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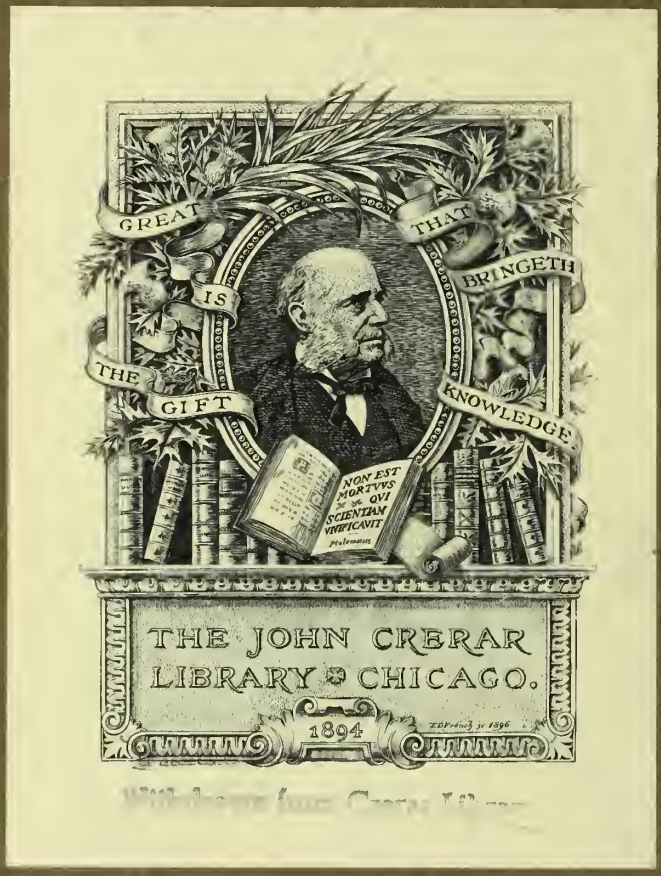
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OF THE

City of New York

An Act to provide for the Government of New York— including 1916 Amendments

A History of City Charter Making

PUBLISHED BY THE BROOKLYN DAILY EAGLE BROOKLYN NEW YORK
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CHAPTER 466, LAWS OF 1901, WITH AMENDMENTS TO AND INCLUDING 1916.

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Some Facts About the Charter and Charter Making in New York City

The charter of the City of New York, with all its amendments, becomes more complex each year.

The charter as printed in this volume is a copy of Chapter 466 of the New York State Laws of 1901 with the very numerous alterations which have since been made therein, but not including the Code of Ordinances amendments, which are embodied in The Eagle edition of the Code of Ordinances. It is not annotated, but is completely indexed and any desired section may easily be found. It is, without doubt, the only charter of the City of New York on sale at the present time containing the 1913 and 1914 amendments. No expense has been spared to make the text absolutely accurate and to include every change up to the time of going to press. It is hoped that the public will find this book of great value.

The city charter has been severely criticised as being complex, redundant and contradictory. Two charter revision commissions appointed at different times by the Governor of New York State have made their reports, but no definite action has been taken except that a legislative committee was appointed in the summer of 1909 to investigate the report of the last commission and carry on the work. Those who composed this committee were Former Assemblymen Frederick Hammond of Syracuse, chairman; Senator Brough, vice chairman; Senators Gledhill, Cobb, Grady and Cullen, former Assemblymen Robinson, C. F. Murphy, Geoghegan of Brooklyn, Assemblyman Lee, Conklin, A. E. Smith and Shortt. Former Attorney General Julius Mayer is counsel and Alexander MacNulty assistant counsel to the committee.

During the legislative session of 1911 an attempt was made to pass a new charter for the City of New York which was popularly known as the "Gaynor Charter." When the provisions of this bill became thoroughly understood by the people of the city it was found that the proposed charter revolutionized the powers and authorities of many of the city officials. Greatly increased power was delegated to the mayor, who virtually would be supreme in many of the most important executive matters. A powerful effort was made by Tammany Hall to force the Gaynor charter through the Legislature, and for several weeks the fight waxed bitter. Civic organizations and influential citizens united in strong protests to the Legislature and great pressure was brought to bear upon those members of the Senate and Assembly who were known to be independent of absolute party control. On September 28 the Assembly passed the proposed charter bill by a vote of 76 to 57. The State Senators then took up the instrument, and after considerable discussion in a caucus, on September 30, eight Senators, whose votes were needed to pass the bill, held out against it, so it was decided not to introduce the bill into the Senate for a vote, and it was allowed to die through the adjournment of the Legislature on October 6, 1911. This attempt at forcing objectionable legislation through reacted at the November elections in New York City to the extent of defeating a number of the Democratic candidates who had voted in favor of the Gaynor chart .

No attempt was made to pass a new Charter at the session of the Legislature in 1912, as the two Houses were of different political complexion and any attempt to reintroduce the Gaynor Charter would have only met with defeat.

At the session which ended in March, 1912, about two score Charter amendments were made which will be found embodied in the present volume, together with those passed at the sessions of the Legislature in 1913, 1915 and 1916.

Outline of Present City Government.

In view of the complexity of the present charter, and the discussion which naturally arises by the recommendations of the charter commission, it may be well to outline the present form of city government:

In 1890 the city of New York comprised all of what is now Manhattan and greater part of what is now the Bronx, but under the act of consolidation Kings County, Richmond County, the larger part of Queens County and a small part of Westchester County became a part of the city. Manhattan comprises that part of the old city south of the Harlem River, this area being known formerly as Manhattan Island.

Bronx was formed from that part of the old City of New York lying north of the Harlem River and the small part of Westchester County annexed under the act of consolidation. All of this area was at one time a part of Westchester County, but in 1873 the towns of Morrisania, West Farms and King's Bridge were annexed to New York; under consolidation, January 1, 1898, all of the town of Westchester and parts of the towns of Eastchester and Pelham became a part of the city.

The towns of Flatbush, Flatlands, Gravesend and New Utrecht were absorbed by the City of Brooklyn in 1894, Flatbush becoming the Twenty-ninth Ward, New Utrecht the Thirtieth Ward, Gravesend the Thirty-first Ward, Flatlands the Thirty-second Ward. The city thus became coextensive with Kings County, and on January 1, 1898, Brooklyn became one of the five boroughs of New York City.

Richmond County, or Staten Island, became the Borough of Richmond.

Queens Borough was organized at the same time from what was Long Island City, the towns of Flushing, Jamaica and Newtown, and a small portion of the town of Hempstead, all of which were civic divisions of Queens County. The remaining towns of the county, Oyster Bay and North Hempstead, together with the greater part of the town of Hempstead, were taken to form the new county o Nassau.

This territory embraced in the city has an area of 326 square miles and is divided into five boroughs: Manhattan, Brooklyn, Queens, the Bronx and Richmond. Each of these boroughs has a president, elected by its voters at large. The executive of the city is composed of the mayor, as its head, the borough presidents and the following administrative departments: Finance, Law, Police, Water Supply, Gas and Electricity, Street Cleaning, Bridges, Parks, Public Charities, Correction, Fire, Docks and Ferries, Taxes and Assessments, Education, Health, Tenement House. Each of these departments is presided over by either a commissioner or a board of commissioners. The Board of Education is largely an independent corporation over which the city has practically no control. Also independent of any of the administrative departments is the Board of Trustees of Bellevue and Allied Hospitals, which is classified in the charter as a branch of the Department of Public Charities.

Present Duties of Borough President

The borough presidents have power to appoint and remove a commissioner and an assistant commissioner of public works who, in his absence or disability, may represent him. A borough president has charge of the following subjects: Regulating, grading, etc., of streets; constructing and repairing public roads; paving, repaving, resurfacing, repairing streets and relaying of pavements; laying and relaying surface railroad tracks, form of rail, character of foundation, etc.; filling sunken lots, fencing vacant lots, licensing vaults under sidewalks; removing incumbrances, issue of permits to builders and others to use or open the streets; constructing and maintaining bridges and tunnels within the borough, all matters pertaining to the public sewers and drainage of his borough; constructing, repairing, cleaning, etc., of public buildings and markets, except schoolhouses and other buildings whose care and custody are otherwise provided for; the care and cleaning of offices used for public purposes; locating, establishing, maintaining, etc., of public baths, etc., and placing of street signs. Each president prepares his own contracts, subject to approval as to form by the corporation counsel.

The mayor appoints all heads of departments and removes them in his discretion. The mayor, as the chief executive officer of the city, is elected every four years and his powers are extensive, but by no means well defined, as compared with some of the duties of other city officers. He may be removed by the governor in the same manner as sheriffs, except that the removal proceedings may be conducted by the attorney general in the governor's discretion.

The controller is the head of the Finance Department. He is elected by the people of the city at large for a term of four years and is subject to removal by the governor. The Finance Department is composed of a number of bureaus, of which six are required by the charter. The controller has a general jurisdiction in financial matters of the city, subject, however, in many essential respects, to the Board of Estimate and Apportionment and the Board of Aldermen. The chamberlain is appointed by the mayor and is virtually the city treasurer or paymaster and may be removed by the mayor as any other head of a department.

The legislative branch of the city consists of the Board of Aldermen, the president of whom is elected by the voters for four years. One member of the board is elected from each of the seventy-three aldermanic districts into which the city is divided. Of these districts there are thirty-three in Manhattan, eight in The Bronx, twenty-four in Brooklyn, five in Queens and three in

Richmond. The Board of Aldermen elect a vice president who represents the president when he is absent. The president of the Board of Aldermen acts as mayor during the mayor's absence. Each head of an administrative department is entitled to a seat in the board and must attend its meetings when required, and may participate in discussion, but has no vote in the proceedings.

Resolutions and ordinances are subject to the veto of the mayor, but may be passed over his veto by the votes of at least two-thirds of all the members of the board, except on a question of the expenditure of money, the creation of a debt, or the levying of an assessment, in which event it requires a vote of three-fourths of all the members of the board to pass it over the mayor's veto, and if the grant of a franchise is involved, the mayor's veto is final.

The Board of Estimate and Apportionment, consisting of the mayor, controller, president of the Board of Aldermen and the five borough presidents, exercises both administrative and legislative functions. The mayor, controller and president of the Board of Aldermen have each three votes upon any proposition coming from the board. The presidents of Manhattan and Brooklyn have each two votes and the other presidents have one vote each.

A feature of the present charter was the provision for boards of local improvements (title 2 of chapter X). There are 25 districts. The membership of each board consists of the president of the borough by virtue of his office and of the aldermen whose aldermanic districts are within the local improvement district. The initiation of the work of repairs and improvement within their respective districts is placed in hands of these boards. It was designed to bring the people into close touch with administration and to apply the principle underlying town organization and control.

It is not necessary to enter into the details of each department of the city. Enough has been presented to give a general outline of the city government and its officers. As to the duties of some of these officers it is said there is considerable conflict. For instance, the duties of the Commissioner of Street Cleaning have never been clearly defined as regards the duties of the borough presidents of Manhattan, the Bronx and Brooklyn. The commissioner has jurisdiction of the sweeping and cleaning of streets, garbage, snow and ice, in Manhattan; The Bronx and Brooklyn, but not in Richmond and Queens. Conflicts of authority occur in other departments, it is complained. The duties of the president of the Borough of Manhattan and the mayor frequently are intertwined, it is said, in some instances almost resulting in duplicate mayors.

Charter Not the Only City Law.

It is not to be assumed that our charter contains all the statute law dealing with the territory of Greater New York, for it contains but a small part of it.

Many of the provisions for the government of the City Court of New York are to be found in the Code of Civil Procedure; the Code of Criminal Procedure also contains sections applicable only to New York City.

The Municipal Court Act contains an entire system of procedure applicable only to New York City.

The Tenement House Act affects only New York City and affects vitally an enormous part of the population.

The Code of Ordinances contains the Health code and is issued in book form as Library No. 194, revised to date.

The Metropolitan Elections District Law affects New York City and some added territory.

The tax laws and the rules of the civil service contain many provisions bearing on New York City. Consult the full list of Eagle Libraries in the back of the book.

History of Charter Making.

It is interesting to glance at the history of charter making in New York City. The first government of civilization established on Manhattan was that of the West India Company, under a charter granted to it by the States General of the Netherlands in 1621. Almost imperial powers were granted by this charter. Even at that early day many efforts were made by the settlers to obtain some semblance of self-government, and Peter Stuyvesant, who seems to have been impressed with the justness of this demand, ordered an election in 1647, in which the people of Manhattan, Breucklen, Amersfoort and Pavonia chose eighteen persons, from whom the director general and his counsel were to select a board of nine to assist Stuyvesant in providing for the general welfare.

The first English charter, known as the Nicolls charter, a copy of which has appeared in former editions of this book, was granted in 1665. By it the inhabitants of New York, New Harlem and other residents on the Island of Manhattan were formed into a corporation under the government of a mayor, aldermen and sheriff. In 1675 the Nicolls charter was reaffirmed, and the first governor under the restored rule of the English was Thomas Dongan, and a charter granted by him in the name of King James II was the first great charter of the city. The Dongan charter and the successive charters granted in the name of the king in 1708 and 1730 are to-day parts of the charter of the present city government, except so far as they have been modified by enactments of the Assemhly of the Colony of New York or of the Legislature of the State of New York. They are the title deeds to many of the most valuable property rights owned by the corporation, and from them spring many fundamental privileges and franchises of the city and its people.

The Montgomerie charter conferred further powers of self-government upon the inhabitants of the city, and the purpose of it was to clear up ambiguities and controversies which had arisen concerning the validity of the Dongan charter and other grants and confirmations.

These charters and the various acts of the Colonial Assembly were expressly confirmed by the first constitution of the State of New York in 1777 and by each succeeding constitution, but it has been decided in the courts that the Dongan and Montgomerie charters have no peculiar sanctity, as they were granted under the sovereigns of England. In these early charters the Common Council figured as one of the institutions of antiquity. The commonalty—that is, those who were, under the appropriate definitions of the royal charters, entitled to be inhabitants and citizens of the city—acted by representation in the Council. For many years it preserved a certain dignity and was an efficient body, but an examination of the statute books, especially so since the State of New York became a member of the Union, shows there was a steady lessening of the powers of the Common Council. The charter of 1830 contains the first definite designation of the Common Council as a legislative body. The Council was made to consist of two houses—a Board of Aldermen and a Board of Assistants, sitting separately—and the mayor ceased to be a member of the Common Council. By the revised charter of 1901 the body was again reduced to a single house, known as the Board of Aldermen. At the present time the Common Council exercises insignificant powers of legislation, but remains as a nucleus of strictly representative government.

The early charters, with some modifications, were practically unchanged until 1830, when a charter which had been prepared by a convention composed of delegates chosen by the citizens in 1828, was adopted by the Legislature and ratified by the people without change. Another city convention attempted in 1846 to again revise the charter, but did not succeed, although the Legislature in 1849 and 1853 adopted many of the recommendations made by the convention. In 1861 the governor appointed a commission to revise the city's charter, but the Civil War broke out, public attention was distracted and the recomendations were never carried out. In the meantime, however, the charter had been amended by the law of 1857, and these amendments remained substantially in force until 1870, when they were altered under the so-called Tweed Charter.

A charter drafted by the Committee of Seventy, in 1872, was passed by the Legislature, but vetoed by Governor Hoffman. But in the following year a charter, which was a compromise between the Tweed measure and the Committee of Seventy's plan, was passed. It effected many changes, among them a modified form of minority representation in the Board of Aldermen, which still possessed important powers. Without radical change this charter was incorporated into the consolidation act of the laws of 1882, and the charter provisions of the consolidation act continued in force until the enactment of the first Greater New York charter of 1897. The basis of consolidation was formed on this act, but as neither the charters of old New York nor Brooklyn were adapted to the new form of government, the Charter Commission was obliged to find a plan, which, while preserving as many as possible of the provisions of the older charters, should, nevertheless, furnish a new form of government adapted to the needs of all the boroughs. The charter of 1897 was amended in 1901, and it is this charter that is now in force.

The story of Brooklyn's charter goes back to the grant made by Governor Thomas Dongan, in 1686, to certain freeholders and inhabitants of the town "commonly called Breuckelen." The new government, however, was not that of either a city or a village, and it was not till 1816 that the village of Brooklyn was incorporated, and it was not until 1834 that it became a city. From time to time its charter was changed to meet its requirements. Especially was this true in the years 1854, 1873, 1880 and 1888. In 1880 many radical changes in the charter were made by the Legislature, one of them being the vesting in the mayor the sole power of appointing heads of departments, except those of finance and audit. Thus, it will be seen that at the time of the passage of the act providing for the appointment of the first charter commission to prepare the charter for the greater city, the people of the old Cities of New York and Brooklyn were still under ancient grants from the Netherlands and Great Britain, and subsequent acts of the State Legislature. The other districts of the consolidation act—Long Island City, Flushing, Jamaica, New Brighton, Newtown and the communities of Queens and Richmond—all had separate charters of distinct historic origin. It was for these communities of widely diverging government that the commission of 1896 was appointed to frame a general charter that should answer for them all. They had one point fixed firmly in their minds—the creation of the borough system, with local improvement boards, a board of public improvement, a mayor, controller, corporation counsel and the departments—Water Supply, Highways, Street Cleaning, Sewers, Public Buildings, Lighting and Supplies and Bridges. Aside from this, the idea of the charter was in a chaotic condition.

1911 AMENDMENTS TO NEW YORK CITY CHARTER

Section 101—Department of Parks. Amended by Chapter 644.
Section 150—Relative to Comptroller. Amended by Chapter 607.
Sections 165, 166 and 167—Retirement of Employees. Amended by Chapter 669.
Section 169—Corporate Stock. Amended by Chapter 456.
Section 189—Corporate Stock. Added by Chapter 224.
Section 196—Deposit of moneys. Amended by Chapter 304.
Section 205—Sinking Fund. Amended by Chapter 694.
Section 247—Cost of public improvements. Amended by Chapter 679.
Section 402—Supreme Court Supplies. Amended by Chapter 834.
Section 435—Local Improvements. Amended by Chapter 712.
Section 439—Public Maps and Plans. Amended by Chapter 675.
Section 445—Drainage Plan. Amended by Chapter 675.
Section 486—Preparation of Maps. Amended by Chapter 675.
Section 534—Street Cleaning. Amended by Chapter 680.
Sections 548 to 558—Street Cleaning Pension Fund. Added by Chapter 839.
Section 607—Department of Parks. Amended by Chapter 644.
Sections 629, 630 and 631—Recreation Commission. Added by Chapter 563.
Sec. 691-a—Day Nurseries. Added by Chap. 69.
Section 693-6—Board of Inebriety. Amended by Chapter 682.
Section 728—Fire Department Promotions. Amended by Chapter 899.
Section 740—Medical Officer of Fire Department. Amended by Chapter 392.
Sections 774 to 788-c—Duties of Commissioner in Matter of Fire Prevention. Amended by Chapter 899.
Section 816—Docks and Ferries. Amended by Chapter 301.
Section 818-a—High-Water Mark. Amended by Chapter 694.
Section 823-h—Dock Commissioner. Amended by Chapter 661.
Sections 889, 892, 892-a, 894, 895, 896, 898, 899, 900, 906, 907, 909, 911, 914, 916, 917, 1022, and 1025—Taxes and Assessments. Amended by Chap. 455.
Section 1023—Arrears of Taxes. Amended by Chapter 673.
Sec. 1035—Tax Liens. Amended by Chap. 65.
Section 1049—Bills for Arrears. Amended by Chapter 673.
Section 1091—Salaries of Teachers. Amended by Chapter 902.
Section 1241—Registration of Births. Amended by Chapter 886.
Section 1352-6—Municipal Justice. Added by Chapter 678.
Section 1529-a—Queens Cemeteries. Amended by Chapter 813.

1912 AMENDMENTS TO NEW YORK CITY CHARTER

Section 18—Salaries of Aldermanic Officers. Amended by Chapter 131.
Section 119—Payment of Wages and Salaries. Amended by Chapter 398.
Section 163—Gansevoort Market Lands. Amended by Chapter 396.
Section 165—Retirement of City Employees. Amended by Chapter 479.
Section 181—Assessment Bonds. Amended by Chapter 492.
Section 188—Fire Department Relief Fund. Amended by Chapter 457.
Section 205-b—East River Land Grant. Added by Chapter 400.
Sec. 222—Levy of Taxes. Amended by Chap. 6
Section 231—Reimbursement of Expenses. Amended by Chapter 501.
Section 258-a—Street Openings. Division of Real Estate. Added by Chapter 435.
Section 261—Presentation of Claims. Amended by Chapter 452.
Section 276—Abolishing Police Doorman. Amended by Chapter 449.
Section 284—Qualifications of Patrolmen. Amended by Chapter 480.
Section 348—Immigrant Agencies. Repealed by Chapter 429.
Section 395-3—Permits for Private Sewers. Added by Chapter 433.
Sec. 420—Return of Deposits. Amended, Chap. 527
Section 422—Payments to Contractors. Amended by Chapter 528.
Section 476—Water Rents Payment. Amended by Chapter 108.
Section 663—Traders in Public Institutions. Amended by Chapter 446.
Section 685—Maintenance of Abandoned Families. Amended by Chapter 420.
Section 686—Orders in Abandonment Proceedings. Amended by Chapter 419.
Section 687—Actions in Abandonment Proceedings. Amended by Chapter 451.
Section 688—Recoveries in Abandonment cases. Amended by Chapter 418.
Section 689—Appeals in Abandonment Proceedings. Amended by Chapter 401.
Section 690—Security in Abandonment cases. Amended by Chapter 421.
Section 695—Custody of Queens County Jail. Amended by Chapter 456.
Section 727—Prevention of Fires. Amended by Chapter 458.
Section 734—Fire Department Qualification. Amended by Chapter 462.
Section 740—Veterinarians in Fire Department. Amended by Chapter 228.
Sec. 775-a—Fire Drills. Added by Chap. 458.
Sec. 776—Fire Hazards. Amended by Chap. 458.
Section 777-a—Survey of Buildings. Amended by Chapter 458.
Section 821—Construction of Piers and Docks. Amended by Chapter 434.
Section 937—Unpaid Taxes Levied Before 1898. Amended by Chapter 461.
Sec. 948-Paving of Streets. Amended by Chap. 484
Section 951—Damages for Change of Grade. Amended by Chapter 483.
Section 1019—Interest on Assessments. Amended by Chapter 372.
Section 1019-a—Payment of Assessments in Instalments. Added by Chapter 399.
Section 1022—Unpaid Water Rates. Amended by Chapter 108.
Section 1089—Board of Examiners; Teachers Licenses. Amended by Chapter 455.
Section 1091—Salaries of Teachers. Amended by Chapter 459.
Section 1539-a—Cemeteries in Queens and Richmond. Amended by Chapter 463.
Section 1553—Sale of Public Property. Amended by Chapter 436.
Section 1568—Leave of Absence to City Employees. Added by Chapter 353.
Section 1569—Fining Employees for Delinquency. Added by Chapter 432.
Section 1569-b—Leave of Absence Without Pay. Added by Chapter 251.

1913, 1914, 1915 and 1916 Amendments on Page Following

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1913 AMENDMENTS TO NEW YORK CITY CHARTER

Section 58—Commissioners of Deeds. Amended by Chapter 418.

Section 162—Franchise Tax Deductions. Amended by Chapter 31.

Section 205. Sinking Fund Commissioners, Powers. Amended by Chapter 259.

Section 215. Local Improvement Assessments, Cancel. Amended by Chapter 33.

Section 237—Cash Balances, Transfer. Amended by Chapter 36.

Section 243a (new)—Streets, Transfer Control. Amended by Chapter 331.

Section 415A (new)—Plumbers Regulation. Amended by Chapter 754.

Section 416 (new)—Plumbers, Regulation. Amended by Chapter 754.

Section 439—Playgrounds, Maps. Amended by Chapter 329.

Section 442—Playgrounds, Maps. Amended by Chapter 329.

Section 610—Parks, Rename. Amended by Chapter 333.

Section 612-b—Queens, Park Commissioner. Amended by Chapter 34.

Section 613—Queens, Park Commissioner. Amended by Chapter 34.

Section 617—Queens, Park Commissioner. Amended by Chapter 34.

Section 676—Blind, Relief. Amended by Chapter 299.

Section 727—Fire Department Records. Amended by Chapter 698.

Section 774—Fire Prevention. Amended by Chapter 695.

Section 777—Fire Prevention. Amended by Chapter 695.

Section 819—Waterfront Plans. Amended by Chapter 327.

Section 821—Wharf Property, Repairing. Amended by Chapter 411.

Section 821-a (new)—Wharf Property, Acquire. Amended by Chapter 328.

Section 888-a (new)—Tax Department, Powers. Amended by Chapter 324.

Section 889-a (new)—Tax Department, Powers. Amended by Chapter 324.

Section 891-a (new)—Tax Department, Powers. Amended by Chapter 324.

Section 895—Tax Department, Powers. Amended by Chapter 324.

Section 897—Tax Department, Powers. Amended by Chapter 324.

Section 910—Assessment Rolls. Amended by Chapter 680.

Section 970—Playgrounds, Maps. Amended by Chapter 329.

Section 990—Street Openings, Amended by Chapter 142.

Section 1019—Local Improvements, Assessments. Amended by Chapter 685.

Section 1019-a—Local Improvements, Assessments. Amended by Chapter 684.

Section 1023-a—Assessment Notices. Amended by Chapter 683.

Section 1027—Tax Liens, Transfer. Amended by Chapter 326.

Section 1030—Tax Liens, Transfer. Amended by Chapter 682.

Sec. 1038—Tax Liens. Amended by Chap. 681.

Sec. 1043—Tax Liens. Amended by Chap. 681.

Sec. 1044—Tax Liens. Amended by Chap. 681.

Section 1066—School Property, Proceeds Sale. Amended by Chapter 35.

Section 1078—Compulsory Education. Amended by Chapter 45.

Section 1084—School Grades, Classes. Amended by Chapter 749.

Section 1091—Teachers, Male, Salaries. Amended by Chapter 534.

Section 1093—Teachers, Trials. Amended by Chapter 688.

Section 1157—Nautical School. Amended by Chapter 321.

Section 1264—Health Department, Police. Amended by Chapter 687.

Section 1458 (new)—Stage Routes. Amended by Chapter 769.

Section 1459 (repeal)—Stage Routes. Amended by Chapter 769.

Section 1460 (repeal)—Stage Routes. Amended by Chapter 769.

Section 1461 (repeal)—Stage Routes. Amended by Chapter 769.

Section 1526—Board of City Record. Amended by Chapter 686.

Section 1543-b (new)—City Employees, Reinstatement. Amended by Chapter 302.

Section 1545-a (new)—Useless Records, Destroy. Amended by Chapter 697.

Section 1567—City Employes, Vacations. Amended by Chapter 121.

Section 1569-a (new)—City Employes, Suspensions. Amended by Chapter 694.

Section 1572 (new)—Plumbers, Examining Board. Amended by Chapter 755.

Section 1573 (new)—Plumbers, Examining Board. Amended by Chapter 755.

Section 1574 (new)—Plumbers, Examining Board. Amended by Chapter 755.

1914 AMENDMENTS TO NEW YORK CITY CHARTER

Section 34—Licenses to Auctioneers.

Section 74—Proceedings Prior to Grant of Franchise.

Section 150—Comptroller to Appoint Deputies.

Section 176—Payment of Assessments.

Section 189—Notes to be Issued.

Section 221-a Cancellation of Taxes.

Section 242-a Height and Open Spaces.

Sec. 242-b-Location of Industries and Buildings

Sec. 244-a—Appropriation for Museum of Safety

Sec. 276-b—Transfer of Water Supply police.

Section 315—Duties of Police.

Section 353—Pistol Licenses.

Section 422—Comptroller to Pay Contractors.

Section 603—Funds for Snow Removal.

Section 640—Commissioner of Licenses.

Section 641—Jurisdiction.

Section 685—Maintenance of Abandoned Wives and Children.

Sec. 686 Orders in Abandonment Proceedings.

Sec. 689—Appeals in Abandonment Proceedings.

Section 774 Duties of Fire Commissioner.

Section 775—Powers of Fire Commissioner.

Section 775-a—Fire Drills.

Section 776—To Abate Fire Hazards.

Sec. 778-c—Municipal Explosives Commission.

Sec. 900—Comptroller to State Amount of Taxes

Sec. 902 How County Charges are to be paid.

Sec. 1060—Special and General School Funds.

Section 1066—Board of Education, to Dispose of Property.

Section 1067—Board of Education to Appoint.

Section 1068—Board of Education Powers to Enact By-laws.

Sec. 1069—Board of Education Specific Powers

Section 1091—Board of Education Power to Fix Salaries.

Section 1092—Teachers' Retirement Fund.

Sec. 1128—Trustees of College of City of N. Y.

Section 1139—New Name of Normal College.

Section 1241—Registration of Births.

Section 1473—License for Public Exhibitions.

Section 1474—Commutation of License Fee.

Section 1475—Fees to be Paid to Comptroller.

Section 1485—Prohibitions Under Show Licenses.

Section 1490—Public Dance Halls.

Section 1494—Inspector of Dance Halls.

Section 1543-b—Heads of Departments May Rehear Charges.

Section 1567—Vacations of Employees.

1915 AMENDMENTS TO NEW YORK CHARTER

Section 58—Commissioners of Deeds, powers, certificates, etc. Amended by Chapter 607.

Section 270—Police Commissioner, fifth deputy. Amended by Chapter 164.

Sections 169, 189, 206, 229—Serial bonds, issue, redeeming. Amended by Chapter 309.

Section 182—Serial bonds, proposals for. Amended by Chapter 308.

Section 226—Estimate, Board of, temporary chairman, budget, etc. Amended by Chapter 378.

Section 248—Taxes, assessments, uncollectible, cancelling. Amended by Chapter 601.

Section 302—Police Department, punishing members of. Amended by Chapter 310.

Section 542—Street cleaning, refuse, disposal. Amended by Chapter 500.

Sections 630, 631—Recreation Commission, public, abolished. Amended by Chapter 574.

Sections 798-812, 809a, 809b, 810a, 811-a, 813, 814, 815, 815a (new). Amended by Chapter 594.

Section 822—Wharf property, acquiring, regulating. Amended by Chapter 597.

Section 897—Assessments, correcting. Amended by Chapter 592.

Section 926 Taxes, personal property, unpaid, collect. Amended by Chapter 600.

Section 948—Pavements, laid at private expense. Amended by Chapter 591.

Section 949a (new)—Mosquitoes, elimination of, Brooklyn, Queens, cost of. Amended by Chapter 524.

Section 951—Streets, grade changes, damage claims. Amended by Chapter 537.

Sections 970a, 970b (new)—Condemn; property required by city. Amended by Chapter 598.

Section 971a (new)—Lands under water, cede to U. S. Amended by Chapter 523.

Sections 970-1011, repeal; 969-1016 (new). Amended by Chapter 606.

Sections 1019a—Assessments, exceed 3% value property. Amended by Chapter 598.

Section 1043a (new)—Taxes, local improvements, collecting. Amended by Chapter 314.

Section 1066—Education, Board of, school-made products. Amended by Chapter 602.

Section 1128—City College, use of grounds, buildings. Amended by Chapter 512.

Section 1132—City College, city employees, courses. Amended by Chapter, 161.

Section 1140 (new)—Hunter College, trustees. Amended by Chapter 516.

Sections 1203, 1238, 1585a (new), 1776-1779 repealed; coroner, abolished; medical examiner; title 4 (new). Amended by Chapter 284.

Secs. 1373, 1378, 1383—Municipal Court, clerks, assistants etc., regulated. Amended by Chap. 581.

City Ordinances, Charter Amendments, pages 189 to 194.

1916 AMENDMENTS TO NEW YORK CHARTER

Sections 119, 195—Accounts, commr of, deputies.

Sections 19, 425—Aldermanic districts.

Sections 943, 949, 951—Assessors, board of revision, powers.

Sections 891, 891-b; 891-a new—Block map, taxes, assessments.

Section 152—Bond, receiver of taxes, lien on.

Sections 96, 100, 594, 595, 599, 601, 602, 603—Bridge department, plant and structures.

Sections 242-a, 242-b—Buildings, height, regulations.

Sections 406, 409, 411, 774, 775, 778, 778-a, 1341; Sec. 411-a, Ch. 14-a, new—Buildings, inspection, centralizing powers.

Section 1132—City College, admissions, special courses.

Section 58—Commissioners of deeds.

Section 151—Finance dept., audit bureau.

Section 151 Finance dept., bureaus.

Section 1140—Hunter College, lands, use of.

Chapter 24, new—Land, instruments affecting, recording.

Section 218 new—Lands under water, convey to U. S.

Section 435—Local improvement boards, grading.

Section 1239—Marriages, births, failure to report.

Section 51—Massage parlors, regulating.

Section 245—Memorial day, appropriation.

Section 712-a new—Misdemeanants, confinement for observation.

Sections 970-a, 970-b new—Parks, streets, laying out, excess land.

Section 391—Pavements, removal permits.

Section 1560—Pensioners, holding office.

Section 305—Police Commissioner, rewards.

Section 351—Police force, retired members, reinstate.

Section 1543-c new—Policemen, reinstatement of.

Section 288—Police sergeants, reducing in grade.

Section 118-a new—Port, director of, appointing.

Section 247—Public improvements, certain, cost, reconsider.

Section 1092-c—School teachers, pensions.

Sections 47, 169, 187—Serial bonds, "pay as you go."

Section 1540—Streets, lay out on private property, maps.

Section 50—Streets, stand licenses, ordinances.

Section 914—Taxes a lien on real estate.

Sections 469, 473, 475, 476, 478, 1017, 1022—Water charges, meters.

Section 946—Water mains, pipes, removing, cost.

Section 321—Witnesses, detention, jurisdiction over.

THE CHARTER

OF THE

CITY OF NEW YORK

Chapter 466, Laws of 1901, With All Amendments to and Including 1916

"Passed at the one hundred and twenty-fourth regular session of the Legislature, begun the second day of January, 1901, and ended the twenty-third day of April, 1901, at the city of Albany."

AN ACT

To Amend the Greater New York Charter.

Chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, entitled "An act to unite into one municipality under the corporate name of The City of New York, the various communities lying in and about New York Harbor, including the City and County of New York, the City of Brooklyn and the County of Kings, the County of Richmond and part of the County of Queens, and to provide for the government thereof."—Passed, without the acceptance of the city.

Became a law April 22, 1901, with the approval of the Governor. Passed, three-fifths being present.

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section One. Chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, entitled "An act to unite into one municipality under the corporate name of The City of New York, the various communities lying in and about New York harbor, including the City and County of New York, the City of Brooklyn and the County of Kings, the County of Richmond and part of the County of Queens, and to provide for the government thereof," is hereby amended so as to read as follows:

CHAPTER I.

BOUNDARIES, BOROUGHS, POWERS, RIGHTS AND OBLIGATIONS OF THE CITY.

The City of New York; corporations; consolidated; territories; short title of this act.

Section 1. All the municipal and public corporations and parts of municipal and public corporations, including cities, villages, towns and school districts, but not including counties, within the following territory, to wit: The County of Kings, the County of Richmond, the City of Long Island City, the towns of Newtown, Flushing and Jamaica, and that part of the former Town of Hempstead as it existed on the thirty-first day of December, eighteen hundred and ninety-seven, bounded on the east and north by the east and north bounds of the former Village of Far Rockaway, and on the east by a line drawn due north from the northwest corner of said village to the south line of the Town of Jamaica, as it existed on the thirty-first day of December, eighteen hundred and ninety-seven, are hereby annexed to, united and consolidated with the municipal corporation known as the mayor, aldermen and commonalty of the City of New York, to be hereafter called "The City of New York"; and the boundaries, jurisdictions and powers of the said City of New York herein constituted, are for all purposes of local administration and government hereby declared to be co-extensive with the territory above described; and the said City of New York is hereby declared to be the successor corporation in law and in fact of all the municipal and public corporations united and consolidated as aforesaid, with all their lawful rights and powers, and subject to all their lawful obligations, without diminution or enlargement except as herein otherwise specially provided; and all of the duties and powers of the several municipal and public corporations united and consolidated as aforesaid into The City of New York are hereby devolved upon the board of aldermen of the said City of New York, so far as the same are applicable to said city, and not herein otherwise specially provided, to be exercised in accordance with the provisions of this act. This act may be cited by the short title of "The Greater New York Charter."

Division into Boroughs.

Sec. 2. The City of New York, as constituted by this act, is hereby divided into five boroughs to be designated respectively: Manhattan, The Bronx, Brooklyn, Queens and Richmond; the boundaries whereof shall be as follows:

First—The Borough of Manhattan shall consist of all that portion of The City of New York, as hereby constituted, known as Manhattan Island, Nuttin or Governor's Island, Bedloe's Island, Bucking or Ellis Island, the Oyster Islands, and also Blackwell's Island, Randall's Island and Ward's Island in the east or Harlem rivers.

Second—The Borough of The Bronx shall consist of all that portion of The City of New York, as hereby constituted, lying northerly or easterly of the Borough of Manhattan, between the Hudson River and the East River or Long Island Sound, including the several islands belonging to the municipal corporation heretofore known as the mayor, aldermen and commonalty of the City of New York, not included in the Borough of Manhattan.

Third—The Borough of Brooklyn shall consist of that portion of The City of New York, as hereby constituted, hitherto known as the City of Brooklyn.

Fourth—The Borough of Queens shall consist of the territory known as Queens County.

Fifth—The Borough of Richmond shall consist of the territory known as Richmond County.

Name; powers and rights of the corporation; seal.

Sec. 3. The name of the corporation constituted by this act shall be "The City of New York," and the same shall by that name, be a body politic and corporate in fact and in law with power to contract and to be contracted with, to sue and be sued, to have a common seal and to have perpetual succession, with all of the rights, properties, interests, claims, demands, grants, powers, privileges and jurisdictions held by the mayor, aldermen and commonalty of the City of New York, and held by each of the municipal and public corporations or parts thereof, other than counties, by this act united and consolidated with the corporation known as the mayor, aldermen and commonalty of the City of New York, except so far as modified or repealed by the provisions of this act.

Local government; board of aldermen; liabilities of corporations consolidated.

Sec. 4. For all purposes the local administration and government of the people and property within the territory hereby comprised within The City of New York shall be in and be exercised by the corporation aforesaid; and the Board of Aldermen as in this act constituted, subject to the conditions and provisions of this act, shall exercise all the powers vested in the corporation of The City of New York by this act or otherwise, save as in this act is otherwise specially provided. All valid and lawful charges and liabilities now existing against any of the municipal or public corporations or parts thereof, which by this act are made part of the corporation of The City of New York, including the County of Kings and the County of Richmond, or which may

hereafter arise or accrue against such municipal and public corporations, or parts thereof, including the said counties of Kings and of Richmond, which but for this act would be valid and lawful charges or liabilities against the same, shall be deemed and taken to be like charges against or liabilities of the said The City of New York, and shall accordingly be defrayed and answered unto by it to the same extent, and no further, than the said several constituent corporations would have been bound if this act had not been passed. All bonds, stocks, contracts and obligations of the said municipal and public corporations, including the County of Kings and the County of Richmond, and such proportion of the debt of the County of Queens and of the town of Hempstead as shall be ascertained as hereinafter prescribed, which now exist as legal obligations, shall be deemed like obligations of The City of New York, and all such obligations as are authorized or required to be hereafter issued or entered into, shall be issued or entered into by and in the name of the corporation of The City of New York.

Laws relating to the creation and payment of debts to remain in force; common debt; taxation.

Sec. 5. All laws, or parts of laws, heretofore passed creating any debt or debts of the municipal and public corporations united and consolidated as aforesaid, or for the payment of such debts, or respecting the same, as well as every such law respecting the debts of the corporation known as the mayor, aldermen and commonalty of the city of New York, shall remain in full force and effect, except that the same shall be carried out by the corporation hereby constituted, to wit: The City of New York, and under such name and in such form and manner as may be suitable to the administration of said corporation; and all the pledges, taxes, assessments, sinking funds, and other revenues and securities provided by law for the payment of the debts of the municipal and public corporations aforesaid, shall be in good faith enforced, maintained and carried out by the corporation of the City of New York. All the valid debts of the municipal and public corporations mentioned in the first section of this act, including the County of Kings and the County of Richmond, and the proportion of the debt of the County of Queens, and of the town of Hempstead aforesaid, and the valid debts of the towns, incorporated villages and school districts herein united and consolidated with the corporation heretofore known as the mayor, aldermen and commonalty of the City of New York into the City of New York, as well as the debts of the latter corporation, shall be the common debt of The City of New York, as hereby constituted. So far as resort to taxation is authorized or necessary to pay such debts, such taxation shall extend equally throughout the territory of the corporation herein constituted, except that all assessments for benefits, heretofore laid or provided to be laid for the payment of any portion of such debts, or to reimburse any of the said municipal and public corporations which created such debt, in respect thereof, shall be preserved and enforced, it being the intent hereof that the obligations and liability of The City of New York, as the successor of municipalities and public corporations consolidated into it, shall be the same as, and not otherwise greater than, the respective obligations and liabilities of the several constituent corporations, and that The City of New York shall succeed to all of their rights as well as to their obligations and liabilities in respect thereof, except as herein otherwise specially provided.

Effect where only a part of a corporation is annexed.

Sec. 6. Where part only of the territory of a municipal or public corporation is embraced by this act within the limits of The City of New York, as herein constituted, the respective rights, duties and liabilities of the said city and of the municipal or public corporations part of whose territory is so annexed to the said city, shall be as in this act provided. If any case shall arise for which this act does not make provision, or full and adequate provision arising out of such annexation, or out of the consolidation herein provided for, the board of aldermen may by ordinance make provision for such case, or for its equitable determination, so far as concerns The City of New York.

Same subject; creation of debt.

Sec. 7. No municipal or public corporation, part of whose territory is annexed to The City of New York, shall hereafter create any debt which shall bind property within The City of New York, nor shall such municipal or public corporation levy any tax or assessment upon property within The City of New York, as herein constituted.

Transfer of property; counties not to become indebted.

Sec. 8. In consideration of the foregoing provisions whereby The City of New York, as hereby constituted, assumes as aforesaid the valid debts, obligations and liabilities of the municipal and public corporations including the counties, towns, incorporated villages and school districts as aforesaid, and to carry out the scheme and purpose of this act, all of the public buildings, institutions, public parks, water works and property of every character and description, whether of a public or private nature, heretofore owned and controlled by any of the said municipal and public corporations or parts thereof, hereby consolidated into The City of New York, including any and all such property owned by the County of New York, the County of Kings, and the County of Richmond, wherever situated, and by the county of Queens situated in that portion thereof, which is included within the limits of The City of New York, as constituted by this act, and all the right, title and interest of the said municipal and public corporations and counties as aforesaid, or any of them, in and to such property, are hereby vested in The City of New York and divested out of the said corporations and counties, and the power of said municipal and public corporations and of the said counties of New York, Kings, Queens and Richmond to become indebted, shall cease upon the consummation and taking effect of the consolidation herein provided for.

Former funds; payable to The City of New York.

Sec. 9. All funds and moneys which, on the first day of January, eighteen hundred and ninety-eight, shall be held by or be payable to the receiver of taxes or the county treasurer of the County of Richmond, or to any officer of any of the municipal and public corporations, or parts of municipal and public corporations, hereby consolidated with the corporation heretofore known as the mayor, aldermen and commonalty of the city of New York, as well as all funds and moneys then held by or payable to any officer of said last-named corporation, shall be deemed to be held by and be payable to the corporation of The City of New York, constituted by this act, solely as the funds and moneys of said corporation, and upon the day aforesaid shall be delivered to the officer of said corporation entitled by this act to hold and control the same. All taxes levied against the town of Hempstead in the year eighteen hundred and ninety-seven shall be collectible and payable according to the provisions of the existing laws.

Expenses of the city for the years 1898 and 1903; fixing of salaries by board of estimate.

Sec. 10. In the year eighteen hundred and ninety-seven it shall be the duty of the proper authorities of the various municipal and public corporations consolidated by this act into The City of New York, to prepare a budget for the year eighteen hundred and ninety-eight, as required by existing law, and to levy taxes for the year eighteen hundred and ninety-eight in the year eighteen hundred and ninety-seven, as required by existing law, as though such municipal and public corporations were not to be consolidated in The City of New York; and in so far as such taxes shall remain uncollected on the first day of January, eighteen hundred and ninety-eight, they shall become valid liens due to the corporation by this act constituted, and shall be collected by it through the appropriate officers of The City of New York, as hereby constituted, pursuant in all respects to the laws under which said taxes were levied and were to be collected. On and after January first, eighteen hundred and ninety-eight, the funds received by the chamberlain of The City of New York, under this act, and the proceeds of revenue bonds issued in anticipation of the taxes for the year eighteen hundred and ninety-eight in The City of New York, as constituted prior to the passage of this act, and the proceeds of the tax levy therein of the year eighteen hundred and ninety-eight, may be used for the expenses of The City of New York, as constituted by this act, in such manner as the board of estimate and apportionment for that year may determine, and it shall be the duty of the board of estimate and apportionment to apportion the said funds to the various city departments as created by this act, so that such funds shall be used as nearly as may be for the objects for which they were raised. The board of estimate and apportionment, during the year eighteen hundred and ninety-eight, shall have power to direct the issue of revenue bonds of the City of New York, to be redeemed out of the tax to be paid in the year eighteen hundred and ninety-nine for such purposes and in such amounts as may be necessary to provide for the efficient conduct of the city in all its departments, during the year eighteen hundred and ninety-eight, provided that the sums so raised in the year eighteen hundred and ninety-eight shall be subject to be raised by taxation upon the various boroughs on the basis elsewhere provided in this act. Between January first and May first in the year nineteen hundred and two the board of estimate and apportionment shall have power from time to time to alter, modify and amend the budget for the year nineteen hundred and two; to change the titles, terms and conditions of appropriations contained therein; to add new appropriations and abolish any that may be found unnecessary; and also upon the recommendation of the mayor or any borough president or head of any department, bureau, office, board or commission of the City of New York or of any of the counties embraced therein, to fix salaries in any of said offices, departments, bureaus, boards or commissions; and in furtherance of these purposes or any of them shall have the power, if additional funds be required, to direct the comptroller to issue special revenue bonds redeemable from the tax levy of the year nineteen hundred and three. Between January first and May fifteenth in the year nineteen hundred and five the board of estimate and apportionment shall have the power to alter, modify and amend the budget for the year nineteen hundred and five by eliminating therefrom the appropriation contained in said budget under the title "fund for street and park openings."—As amended by Laws of 1903, Chapter 373.

CHAPTER II.

LEGISLATIVE DEPARTMENT.

Legislative power of city vested in board of aldermen.

Sec. 17. The legislative power of The City of New York, except as otherwise herein provided, shall be vested in one house to be known and styled as "the board of aldermen of The City of New York."—As amended by the Laws of 1905, Chapter 629.

oard of aldermen; president; quorum; salaries; vacancies, how filled.

Sec. 18. The board of aldermen shall onsist of members elected one from each tho aldermanic districts hereinafter ovided for and of the president of the oard of aldermen and of the presidents f the several boroughs. The president f the board of aldermen shall be chosen n a general ticket by the qualified voters f the city at the same time and for he same term as herein prescribed for he mayor. He shall be known as the resident of the board of aldermen, and shall, except as herein provided, possess all the rights, privileges and powers, nd perform the duties which on December thirty-first, eighteen hundred and ninety-seven, were conferred or imposed by law upon the president of the board of aldermen or the mayor, aldermen and commonalty of the city of New York. The aldermen shall be elected at the general election in the year nineteen hundred and one, and every two years thereafter. The term of office of each member of the board of aldermen shall commence on the first day of January after his election, and shall continue for two years thereafter. The phrase, all the members of the board of aldermen, wherever used in this act, shall be taken and held to mean all the members of said board, including the president of the board of aldermen and the presidents of the several boroughs. The phrase, members elected to the board of aldermen, wherever used in this act, shall be taken and held to mean all the members of said board, except the president of the board of aldermen and the presidents of the several boroughs. Any vacancy which may occur among the members elected to the board of aldermen shall be filled by election by a majority of all the members elected thereto, of a person who must be of the same political party as the member whose place has become vacant; and the person so elected to fill any such vacancy shall serve for the unexpired portion of the term. A majority of all the members of the board of aldermen shall constitute a quorum. The salary of the president of the board shall be five thousand dollars a year, the salary of the vice-chairman of the board shall be four thousand dollars a year, the salary of the chairman of the committee on finance shall be four thousand dollars a year and the salaries of the aldermen shall be two thousand dollars a year.

Sec. 2. The board of estimate and apportionment of the city of New York shall provide for the payment of the additional salaries provided for in section eighteen of the Greater New York charter, as amended by this act, in the next annual tax budget for said city. If there be no city funds available for the payment of such salaries prior to the time the same may be realized by taxation, the city comptroller may issue and sell certificates of indebtedness of the city in an amount necessary therefor.—As amended by Laws of 1912, Chapter 131.

Aldermanic districts; division of city into; boundaries of.

Sec. 19. The city of New York is hereby divided into sixty-seven aldermanic districts as follows:

The first aldermanic district shall consist of that part of the county of New York lying within and bounded by a line beginning at the East river and Whitehall street; along Whitehall street to Broadway; on Broadway to Franklin street; along Franklin street to Baxter street; along Baxter street to Bayard street; along Bayard street to the Bowery; along the Bowery to East Broadway; along East Broadway to Canal street; along Canal street to Chrystie street; along Chrystie street to Broome street; along Broome street to Forsyth street; along Forsyth street to Stanton street; along Stanton street to the Bowery; along the Bowery to Prince street; along Prince street to Mulberry street; along Mulberry street to Spring street; along Spring street to Varick street; along Varick street to Charleton street; along Charleton street to Macdougal street; along Macdougal street to West Houston street; along West Houston street to Bedford street; along Bedford street to Carmine street; along Carmine street to Clarkson street; along Clarkson street to the Hudson river, thence along the Hudson river around the southern end of Manhattan island to Whitehall street, to the point or place of beginning; also including Bedloe's, Governor's and Ellis islands.

The second aldermanic district shall consist of that part of the county of New York lying within and bounded by a line beginning at the East river and Whitehall street; along Whitehall street to Broadway; on Broadway to Franklin street; along Franklin street to Baxter street; along Baxter street to Bayard street; along Bayard street to the Bowery; along the Bowery to East Broadway; along East Broadway to Clinton street; along Clinton street to Grand street; along Grand street to Gouverneur street; along Gouverneur street to Madison street; along Madison street to Jackson street; along Jackson street to the East river, thence along the East river to the foot of Whitehall street, the point or place of beginning.

The third aldermanic district shall consist of that part of the county of New York lying within and bounded by a line beginning at the Hudson river and Clarkson street; along Clarkson street to Carmine street; along Carmine street to Bedford street; along Bedford street to West Houston street; along West Houston street to Macdougal street; along Macdougal street to Charleton street; along Charleton street to Varick street; along Varick street to Spring street; along Spring street to Mulberry street; along Mulberry street to Prince street; along Prince street to the Bowery; along the Bowery to Stanton street; along Stanton street to Second avenue; along Second avenue to East Third street; along East Third, Great Jones and West Third streets to Sixth avenue; on Sixth avenue to West Washington place; along West Washington place to West Fourth street; along West Fourth street to Christopher street; along Christopher street to Bleecker street; along Bleecker street to Eighth avenue; on Eighth avenue to West Twelfth street; West Twelfth street to Greenwich avenue; on Greenwich avenue to Eighth avenue; on Eighth avenue to West Nineteenth street; along West Nineteenth street to the Hudson river, and thence along the Hudson river to the foot of Clarkson street, the point or place of beginning.

The fourth aldermanic district shall consist of that part of the county of New York lying within and bounded by a line beginning at the East river and Jackson street, thence along Jackson street to Madison street; along Madison street to Gouverneur street; along Gouverneur street to Grand street; along Grand street to Clinton street; along Clinton street to East Broadway; on East Broadway to Canal street; along Canal street to Ludlow street; along Ludlow street to East Houston street; along East Houston street to Attorney street; along Attorney street to Stanton street, thence along Stanton street to the East river, and along the East river to the foot of Jackson street, the point or place of beginning.

The fifth aldermanic district shall consist of that part of the county of New York lying within and bounded by a line beginning at West Nineteenth street and the Hudson river; along West Nineteenth street to Eighth avenue; on Eighth avenue to Greenwich avenue; on Greenwich avenue to West Thirteenth street; along West Thirteenth street to Seventh avenue; on Seventh avenue to Thirty-eighth street; along West Thirty-eighth street to Eighth avenue; on Eighth avenue to West Thirty-seventh street; along West Thirty-seventh street to the Hudson river, and along the Hudson river to the foot of West Nineteenth street, the point or place of beginning.

The sixth aldermanic district shall consist of that part of the county of New York lying within and bounded by a line beginning at the East river and Stanton street, thence along Stanton street to Attorney street, along Attorney street to East Houston street; along East Houston street to Avenue A, on Avenue A to East Ninth street; along East Ninth street to First avenue; on First avenue to East Twelfth street, along East Twelfth street to Avenue C, on Avenue C to Eleventh street; along Eleventh street to Avenue D, on Avenue D to East Tenth street, along East Tenth street to the East river, and along the East river to the foot of Stanton street, the point or place of beginning.

The seventh aldermanic district shall consist of that part of the county of New York lying within and bounded by a line beginning at the Hudson river and West Thirty-seventh street; along West Thirty-seventh street to Eighth avenue; on Eighth avenue to Fifty-first street; along West Fifty-first street to Ninth avenue; on Ninth avenue to Fifty-second street; along West Fifty-second street to Tenth avenue; on Tenth avenue to Fifty-first street, and thence along West Fifty-first street to the Hudson river, and along the Hudson river to the foot of West Thirty-seventh street, the point or place of beginning.

The eighth aldermanic district shall consist of that part of the county of New York lying within and bounded by a line beginning at the corner of Canal and Chrystie streets; along Canal street to Lndlow street, thence along Ludlow street to East Houston street; along East Houston street to Avenue A; along Avenue A to East Ninth street; along East Ninth street to First avenue; on First avenue to East Thirteenth street; along East Thirteenth street to Second avenue; on Second avenue to East Fourteenth street; along East Fourteenth street to Fourth avenue; on Fourth avenue to Astor place; on Astor place to Lafayette street; along Lafayette street to Great Jones and East Third streets; along Great Jones and East Third streets to Second avenue; on Second avenue to Chrystie street; along Chrystie street to Stanton street; along Stanton street to Forsyth street; along Forsyth street to Broome street; along Broome street to Chrystie street; along Chrystie street to Canal street, the point or place of beginning.

The ninth aldermanic district shall consist of that part of the county of New York lying within and bounded by a line beginning at the Hudson river and Fifty-first street; along West Fifty-first street to Tenth avenue; on Tenth avenue to Fifty-second street; along West Fifty-second street to Ninth avenue; on Ninth avenue to Fifty-first street; along West Fifty-first street to Eighth avenue; on Eighth avenue and Central park west to West Seventieth street; along West Seventieth street to Columbus avenue; on Columbus avenue to Sixty-fourth street; along West Sixty-fourth street to Amsterdam avenue; along Amsterdam avenue to West Seventieth street; along West Seventieth street to West End avenue; on West End avenue to West Seventy-first street; along West Seventy-first street to the Hudson river, thence along the Hudson river to the foot of West Fifty-first street, the point or place of beginning.

The tenth aldermanic district shall consist of that part of the county of New York lying within and bounded by a line beginning at the East river and East Tenth street; thence along East Tenth street to Avenue D; on Avenue D to East Eleventh street; along East Eleventh street to Avenue C; along Avenue C to East Twelfth street; along East Twelfth street to First avenue; on First avenue to East Thirteenth street; along East Thirteenth street to Second avenue; on Second avenue to East Fourteenth street; along East Fourteenth street to Irving place; on Irving place to East Eighteenth street; along East Eighteenth street to Third avenue; on Third avenue to East Twenty-third street; along East Twenty-third street to Lexington avenue; on Lexington avenue to East Thirtieth street; along East Thirtieth street to Second avenue; on Second avenue to East Thirty-first street; along East Thirty-first street to the East river; thence along the East river to the foot of East Tenth street, the point or place of beginning.

The eleventh aldermanic district shall consist of that part of the county of New York lying within and bounded by a line beginning at the Hudson river and West Seventy-first street; along West Seventy-first street to West End avenue; on West End avenue to West Seventieth street; along West Seventieth street to Amsterdam avenue; on Amsterdam avenue to West Sixty-fourth street; along West Sixty-fourth street to Columbus avenue; on Columbus avenue to West Seventieth street; along West Seventieth street to Central park west; on Central park west to West Eighty-third street; along West Eighty-third street to Columbus avenue; on Columbus avenue to West Ninety-third street; along West Ninety-third street to Central park west; on Central park west to West Ninety-eighth street; along West Ninety-eighth street to Broadway; on Broadway to West Ninety-first street; along West Ninety-first street to the Hudson river, thence along the Hudson river to the foot of West Seventy-first street and the Hudson river, the point or place of beginning.

The twelfth aldermanic district shall consist of that part of the county of New York lying within and bounded by a line beginning at the East river and East Thirty-first street; thence along East Thirty-first street to Second avenue; along Second avenue to East Thirtieth street; along East Thirtieth street to Lexington avenue; on Lexington avenue to East Fifty-sixth street; along East Fifty-sixth street to Third avenue; on Third avenue to East Fifty-third street; along East Fifty-third street to First avenue; on First avenue to East Fifty-fourth street; thence along East Fifty-fourth street to the East river, and along the East river to the foot of East Thirty-first street, the point or place of beginning, also Blackwell's island.

The thirteenth aldermanic district shall consist of that part of the county of New York lying within and bounded by a line beginning at the Hudson river and West Ninety-first street; along West Ninety-first street to Broadway; on Broadway to West Ninety-eighth street; along West Ninety-eighth street to Central park west; on Central park west to West One Hundred and Seventh street; along West One Hundred and Seventh street to Manhattan avenue; on Manhattan avenue to West One Hundred and Eighth street; along West One Hundred and Eighth street to Columbus avenue and Morningside avenue west to West One Hundred and Thirteenth street; along West One Hundred and Thirteenth street to Broadway; along Broadway to Cathedral parkway or West One Hundred and Tenth street; along West One Hundred and Tenth street or Cathedral parkway to the Hudson river, thence along the Hudson river to the foot of West Ninety-first street, the point or place of beginning.

The fourteenth aldermanic district shall consist of that part of the county of New York lying within and bounded by a line beginning at the East river and Fifty-fourth street; thence along East Fifty-fourth street to First avenue; on First avenue to East Fifty-third street; along East Fifty-third street to Third avenue; on Third avenue to East Seventy-third street; along East Seventy-third street to Second avenue; on Second avenue to East Seventy-fourth street; along East Seventy-fourth street to First avenue; on First avenue to East Seventy-third street; thence along East Seventy-third street to the East river, and along the East river to

the foot of East Fifty-fourth street, the point or place of beginning.

The fifteenth aldermanic district shall consist of that part of the county of New York lying within and bounded by a line beginning at the Hudson river and West One Hundred and Tenth street or Cathedral parkway; along West One Hundred and Tenth street or Cathedral parkway to Broadway; on Broadway to West One Hundred and Thirteenth street; along West One Hundred and Thirteenth street to Manhattan avenue; on Manhattan avenue and Saint Nicholas avenue to West One Hundred and Thirty-fifth street; along West One Hundred and Thirty-fifth street to Amsterdam avenue; on Amsterdam avenue to West One Hundred and Thirty-sixth street; along West One Hundred and Thirty-sixth street to Broadway; on Broadway to West One Hundred and Forty-first street; along West One Hundred and Forty-first street to the Hudson river; thence along the Hudson river to the foot of West One Hundred and Tenth street or Cathedral parkway, the point or place of beginning.

The sixteenth aldermanic district shall consist of that part of the county of New York lying within and bounded by a line beginning at the East river and Seventy-third street; thence along East Seventy-third street to First avenue; on First avenue to Seventy-fourth street; along East Seventy fourth street to Second avenue; on Second avenue to East Seventy third street; along East Seventy-third street to Third avenue; on Third avenue to East Seventy-fourth street; along East Seventy-fourth street to Lexington avenue; on Lexington avenue to East Eighty-fourth street; along East Eighty-fourth street to Second avenue; on Second avenue to East Eighty-third street, along East Eighty-third street to the East river, and along the East river to the foot of East Seventy-third street, the point or place of beginning.

The seventeenth aldermanic district shall consist of that part of the county of New York lying within and bounded by a line beginning at the Hudson river and West One Hundred and Forty-first street; along West One Hundred and Forty-first street to Broadway; on Broadway to West One Hundred and Thirty-sixth street; along West One Hundred and Thirty-sixth street to Amsterdam avenue; on Amsterdam avenue to West One Hundred and Thirty-fifth street; along West One Hundred and Thirty-fifth street to Saint Nicholas avenue; on Saint Nicholas avenue to West One Hundred and Forty-first street; along West One Hundred and Forty-first street to Edgecomb *avne; on Edgecomb avenue and Bradhurst avenue to West One Hundred and Fifty-fifth street; along West One Hundred and Fifty-fifth street to the Speedway; on the Speedway to West One Hundred and Sixty-third street; along West One Hundred and Sixty-third street to Amsterdam avenue; on Amsterdam avenue to West One Hundred and Sixty-second street; along West One Hundred and Sixty-second street to Fort Washington avenue; along Fort Washington avenue to West One Hundred and Sixty-first street; along West One Hundred and Sixty-first street to the Hudson river; thence along the Hudson river to the foot of West One Hundred and Forty-first street, the point or place of beginning.

The eighteenth aldermanic district shall consist of that part of the county of New York lying within and bounded by a line beginning at the East river and Eighty-third street; thence along East Eighty-third street to Second avenue; on Second avenue to East Eighty-fourth street; along East Eighty-fourth street to Lexington avenue; on Lexington avenue to East Ninety-sixth street; along East Ninety-sixth street to Third avenue; on Third avenue to East Ninety-fifth street; along East Ninety-fifth street to Second avenue; on Second avenue to East Ninety-sixth street; along East Ninety-sixth street to the East river, to the point or place of beginning.

The nineteenth aldermanic district shall consist of that part of the county of New York lying within and bounded by a line beginning at the Hudson river and West One Hundred and Sixty-first street; thence along West One Hundred and Sixty-first street to Fort Washington avenue; on Fort Washington avenue to One Hundred and Sixty-second street; along West One Hundred and Sixty-second street to Amsterdam avenue; on Amsterdam avenue to West One Hundred and Sixty-third street; along West One Hundred and Sixty-third street to the Speedway; on the Speedway to the Harlem river; thence along the Harlem river and Spuyten Duyvil creek, around the northern end of Manhattan island and along the Hudson river to the foot of West One Hundred and Sixty-first street, the point or place of beginning.

The twentieth aldermanic district shall consist of that part of the county of New York lying within and bounded by a line beginning at the East river and East Ninety-sixth street; thence along East Ninety-sixth street to Second avenue; on Second avenue to East Ninety-fifth street; along East Ninety-fifth street to Third avenue; on Third avenue to East Ninety-sixth street; along East Ninety-sixth street to Lexington avenue; on Lexington avenue to East Ninety-seventh street; along East Ninety-seventh street to Park avenue; on Park avenue to East One Hundred and Second street; on East One Hundred and Second street to Fifth avenue; on Fifth avenue to One Hundred and Tenth street; along East One Hundred and Tenth street to Third avenue; on Third avenue to East One Hundred and Sixth street; thence along East One Hundred and Sixth street to the East river, and along the East river to the foot of East Ninety-sixth street, the point or place of beginning.

The twenty-first aldermanic district shall consist of that part of the county of New York lying within and bounded by a line beginning at the corner of Sixth avenue and West Third street; thence along West Third street and Great Jones street to Lafayette street; on Lafayette street to Astor place; on Astor place to Fourth avenue; on Fourth avenue to East Fourteenth street; along East Fourteenth street to Irving place; on Irving place to East Eighteenth street; along East Eighteenth street to Third avenue; on Third avenue to East Twenty-third street; along East Twenty-third street to Lexington avenue; on Lexington avenue to East Fifty-fifth street; along East Fifty-fifth street to Park avenue; on Park avenue to East Fifty-fourth street; along East and West Fifty-fourth street to Eighth avenue; on Eighth avenue to West Thirty-eighth street; along West Thirty-eighth street to Seventh avenue; on Seventh avenue to West Thirteenth street; along West Thirteenth street to Greenwich avenue; on Greenwich avenue to West Twelfth street; along West Twelfth street to Eighth avenue; Eighth avenue to Bleecker street; on Bleecker street to Christopher street; along Christopher street to West Fourth street; along West Fourth street to West Washington place; along West Washington place to Sixth avenue, and along Sixth avenue to West Third street, the point or place of beginning.

The twenty-second aldermanic district shall consist of that part of the county of New York lying within and bounded by a line beginning at the Harlem river and One Hundred and Sixth street; thence along East One Hundred and Sixth street to Third avenue; on Third avenue to East One Hundred and Tenth street; along East and West One Hundred and Tenth street to Lenox avenue; on Lenox avenue to West One Hundred and Eleventh street; along West One Hundred and Eleventh street to Fifth avenue; on Fifth avenue to One Hundred and Nineteenth street; along East One Hundred and Nineteenth street to Third avenue; on Third avenue to East One Hundred and Seventeenth street; along East One Hundred and Seventeenth street to Second avenue; on Second avenue to East One Hundred and Fifteenth street; along East One Hundred and Fifteenth street to First avenue; along First avenue to East One Hundred and Fourteenth street; along East One Hundred and Fourteenth street to the Harlem river, and thence along the Harlem river to the foot of East One Hundred and Sixth street, the point or place of beginning; also Ward's island.

The twenty-third aldermanic district shall consist of that part of the county of New York lying within and bounded by a line beginning at Eighth avenue and West Fifty-fourth street; thence along West and East Fifty-fourth street to Park avenue; on Park avenue to East Fifty-fifth street; along East Fifty-fifth street to Lexington avenue; on Lexington avenue to East Fifty-sixth street; along East Fifty-sixth street to Third avenue; on Third avenue to East Seventy-fourth street; on East Seventy-fourth street to Lexington avenue; on Lexington avenue to East Ninety-seventh street; along East Ninety-seventh street to Park avenue; on Park avenue to East One Hundred and Second street; along East One Hundred and Second street to Fifth avenue; on Fifth avenue to Ninety-seventh street through the transverse road across Central park to Central park west; on Central park west to West Ninety-third street; along West Ninety-third street to Columbus avenue; on Columbus avenue to West Eighty-third street; along West Eighty-third street to Central park west; thence along Central park west and Eighth avenue to West Fifty-fourth street, the point or place of beginning.

The twenty-fourth aldermanic district shall consist of that part of the county of New York lying within and bounded by a line beginning at the Harlem river and East One Hundred and Fourteenth street; thence along East One Hundred and Fourteenth street to First avenue; on First avenue to East One Hundred and Fifteenth street; along East One Hundred and Fifteenth street to Second avenue; on Second avenue to East One Hundred and Seventeenth street; along East One Hundred and Seventeenth street to Third avenue; on Third avenue to East One Hundred and Nineteenth street; along East One Hundred and Nineteenth street to Fifth avenue; on Fifth avenue to One Hundred and Twenty-fifth street; along East One Hundred and Twenty-fifth street to Madison avenue; on Madison avenue to East One Hundred and Twenty-seventh street; along East One Hundred and Twenty-seventh street to Fifth avenue; on Fifth avenue to One Hundred and Thirty-first street; along East One Hundred and Thirty-first street to the Harlem river, and thence along the Harlem river to the foot of East One Hundred and Fourteenth street, the point or place of beginning; also including Randall's island and the Sunken Meadow.

The twenty-fifth aldermanic district shall consist of that part of the county of New York lying within and bounded by a line beginning at the corner of Central park west and Ninety-seventh street; running through the transverse road across Central park to Fifth avenue; on Fifth avenue to One Hundred and Tenth street; along West One Hundred and Tenth street to Lenox avenue; on Lenox avenue to West One Hundred and Eleventh street; along West One Hundred and Eleventh street to Fifth avenue; on Fifth avenue to One Hundred and Twenty-fifth street; along East One Hundred and Twenty-fifth street to Madison avenue; on Madison avenue to East One Hundred and Twenty-seventh street; along East and West One Hundred and Twenty-seventh street to Lenox avenue; on Lenox avenue to West One Hundred and Twentieth street; along West One Hundred and Twentieth street to Manhattan avenue; along West One Hundred and Thirteenth street to Morningside avenue west; on Morningside avenue west and Columbus avenue to West One Hundred and Eighth street; along West One Hundred and Eighth street to Manhattan avenue; on Manhattan avenue to West One Hundred and Seventh street; along West One Hundred and Seventh street to Central park west, and on Central park west to West Ninety-seventh street, the point or place of beginning.

The twenty-sixth aldermanic district shall consist of that part of the county of New York lying within and being bounded by a line beginning at the Harlem river and East One Hundred and Thirty-first street; thence along East One Hundred and Thirty-first street to Fifth avenue; on Fifth avenue to One Hundred and Thirty-first street; along West One Hundred and Thirty-fifth street to Lenox avenue; on Lenox avenue to West One Hundred and Thirty-sixth street; along West One Hundred and Thirty-sixth street to Seventh avenue; on Seventh avenue to West One Hundred and Forty-first street; along West One Hundred and Forty-first street to Edgecomb avenue; on Edgecomb and Bradhurst avenues to One Hundred and Fifty-fifth street; along West One Hundred and Fifty-fifth street to the Speedway, and along the Speedway to the Harlem river, and thence along the Harlem river to the foot of East One Hundred and Thirty-first street, the point or place of beginning.

The twenty-seventh aldermanic district shall consist of that part of the county of New York lying within and bounded by a line beginning at the corner of One Hundred and Twentieth street and Manhattan avenue; along West One Hundred and Twentieth street to Lenox avenue; on Lenox avenue to West One Hundred and Twenty-seventh street; along West One Hundred and Twenty-seventh street to Fifth avenue; on Fifth avenue to West One Hundred and Thirty-fifth street; along West One Hundred and Thirty-fifth street to Lenox avenue; on Lenox avenue to West One Hundred and Thirty-sixth street; along West One Hundred and Thirty-sixth street to Seventh avenue; on Seventh avenue to West One Hundred and Forty-first street; along West One Hundred and Forty-first street to Saint Nicholas avenue; thence along Saint Nicholas avenue and Manhattan avenue to West One Hundred and Twentieth street, the point or place of beginning.

The twenty-eighth aldermanic district shall consist of that portion of the county of Bronx within and bounded by a line beginning at the Harlem river and East One Hundred and Forty-ninth street, and running thence along East One Hundred and Forty-ninth street to Park avenue, to East One Hundred and Forty-sixth street to Third avenue, to East One Hundred and Forty-eighth street to St. Ann's avenue, to East One Hundred and Forty-ninth street, to Prospect avenue, to Westchester avenue, to the Bronx river, to Long Island sound, thence along the Long Island sound, Bronx kills and the Harlem river to the place of beginning; and also the islands of Long Island sound adjacent thereto within the county of Bronx.

That portion of the county of Bronx lying east of the Bronx river and designated in section four hundred and two of this act as Chester, is hereby divided into two aldermanic districts as follows:

That portion of said Chester which is bounded on the north by the New York city lines; on the south by the old Boston Post road from the Bronx river to Fordham and Pelham avenue (Bronx and Pelham parkway) to Westchester creek; on the west, by the Bronx river from the old Boston Post road to the New York city line; on the east, by Westchester creek, Givan's creek and Hutchinson's river to the New York city line, formerly known as parts of the former towns of Eastchester and Westchester of the county of Westchester, shall constitute the twenty-ninth aldermanic district.

That portion of said Chester which is bounded on the north by the old Boston road from the Bronx river to Fordham and Pelham avenue (Bronx and Pelham parkway) to Westchester creek, to Givan's creek, to Hutchinson's river, to the New York city line, to Long Island sound; on the south, by Long Island sound; on the west, by the Bronx river, from the old Boston Post road to Long Island sound; on the east by Long Island sound, including the islands which lie within the city of New York belonging to the former town of Pelham, but which parts were formerly known as the towns of Westchester and Pelham of the county of Westchester, shall constitute the thirtieth aldermanic district.

The thirty-first aldermanic district shall consist of that portion of the county of Bronx within and bounded by a line beginning at East One Hundred and Forty-ninth street and Mott avenue, and running thence along Mott avenue to East One Hundred and Sixty-first street, to Morris avenue, to East One Hundred and Sixty-second street, to Park avenue, to East One Hundred and Sixty-fifth street, to Third avenue, to Franklin avenue, to East One Hundred and Sixty-sixth street, to Boston road, to Cauldwell avenue, to East One Hundred and Sixty-third street, to Eagle avenue, to East One Hundred

*So in original.

*So in original.

and Sixty-first street, to Cauldwell avenue, to East One Hundred and Fifty-eighth street, to Westchester avenue, to Prospect avenue, to East One Hundred and Forty-ninth street, to Saint Ann's avenue, to East One Hundred and Forty-eighth street, to Third avenue, to East One Hundred and Forty-sixth street, to Park avenue, to East One Hundred and Forty-ninth street; thence along East One Hundred and Forty-ninth street to the place of beginning.

The thirty-second aldermanic district shall consist of that portion of the county of Bronx within and bounded by a line beginning at Third avenue and East One Hundred and Sixty-fifth street, and running thence along Third avenue to East One Hundred and Seventy-fourth street, to Park avenue, to East One Hundred and Eighty-fourth street, to Hoffman street, to Pelham avenue, to the Bronx river, to Westchester avenue, to East One Hundred and Fifty-eighth street, to Cauldwell avenue, to East One Hundred and Sixty-first street, to Eagle avenue, to East One Hundred and Sixty-third street, to Cauldwell avenue, to Boston road, to East One Hundred and Sixty-sixth street, to Franklin avenue, to Third avenue, and thence along Third avenue to the place of beginning.

The thirty-third aldermanic district shall consist of that portion of the county of Bronx within and bounded by a line beginning at the Harlem river and East One Hundred and Forty-ninth street to Mott avenue, to Grand boulevard and concourse, to East One Hundred and Seventieth street, to Teller avenue, to Morris avenue, to Belmont street, to Clay avenue, to East One Hundred and Seventy-third street, to Anthony avenue, to Grand boulevard and concourse, to East One Hundred and Eighty-fourth street, to Marion avenue, to East One Hundred and Eighty-seventh street, to Hoffman street, to Pelham avenue, to Southern boulevard, to East Two Hundredth street, to Jerome avenue, to Fordham road, to the Harlem river, to the place of beginning.

The thirty-fourth aldermanic district shall consist of that portion of the county of Bronx within and bounded by a line beginning at Grand boulevard and concourse and East One Hundred and Sixty-first street, to Morris avenue, to East One Hundred and Sixty-second street, to Park avenue, to East One Hundred and Sixty-fifth street, to Third avenue, to East One Hundred and Seventy-fourth street, to Park avenue, to East One Hundred and Eighty-fourth street, to Hoffman street, to East One Hundred and Eighty-seventh street, to Marion avenue, to East One Hundred and Eighty-fourth street, to Grand boulevard and concourse, to Anthony avenue, to East One Hundred and Seventy-third street, to Clay avenue, to Belmont street, to Morris avenue, to Teller avenue, to East One Hundred and Seventieth street, to Grand boulevard and concourse, to the place of beginning.

The thirty-fifth aldermanic district shall consist of that portion of the county of Bronx within and bounded by a line beginning at the Harlem river and Fordham road, to Jerome avenue, to East Two Hundredth street, to the Southern boulevard, to Pelham avenue, to the Bronx river, to the New York city line, to the Hudson river, to Spuyten Duyvil creek, to the Harlem river, to the place of beginning.

The thirty-sixth aldermanic district shall consist of that portion of the county of Kings within and bounded by a line beginning at the East river and Fulton street, running thence along Fulton street to Columbia Heights, to Middagh street, to Fulton street, to Concord street, to Liberty street, to Fulton street, to Myrtle avenue, to Pearl street, to Willoughby street, to Lawrence street, to Johnson street, to Bridge street, to Tillary street, to Duffield street, to Navy street, to Myrtle avenue, to Raymond street, to Bolivar street, to Saint Edwards street, to Willoughby street, to Raymond street, to Lafayette street, to Navy street, to Rockwell place, to Fulton street, to Hudson avenue, to Flatbush avenue, to Fourth avenue, to Bergen street, to Court street, to Amity street, to Clinton street, to Baltic street, to Warren place, to Warren street, to Henry street, to Congress street, to Hicks street, to State street, to Furman street, to Atlantic avenue, to the East river, and thence to the place of beginning.

The thirty-seventh aldermanic district shall consist of that portion of the county of Kings within and bounded by a line beginning at the East river and Fulton street, running thence along Fulton street to Columbia Heights, to Middagh street, to Fulton street, to Concord street, to Liberty street, to Fulton street, to Myrtle avenue, to Pearl street, to Willoughby street to Lawrence street, to Johnson street to Bridge street, to Tillary street, to Duffield street, to Johnson street, to Navy street to Myrtle avenue, to Raymond street, to Bolivar street, to Saint Edwards street, to Willoughby street, to Raymond street, to Lafayette street, to Navy street, to DeKalb avenue, to Washington park, to Myrtle avenue, to Carlton avenue, to Park avenue, to Hall street, to Flushing avenue, to Washington avenue, and running thence along Washington avenue to the Wallabout canal, to the Wallabout channel, to Wallabout bay, East river, and thence to the place of beginning.

The thirty-eighth aldermanic district shall consist of that portion of the county of Kings within and bounded by a line beginning at the East River and Atlantic avenue and running thence to Furman street, to State street, to Hicks street, to Congress street, to Henry street, to Warren street, to Warren place, to Baltic street, to Clinton street, to Amity street, to Court street, to Third place, to Clinton street, to Huntington street, to Henry street, to Mills street, to Columbia street, to Gowanus bay, and thence around the westerly side along the waters of Gowanus bay, Buttermilk channel and the East river, to the place of beginning.

The thirty-ninth aldermanic district shall consist of that portion of the county of Kings within and bounded by a line beginning at the Wallabout canal and running thence along Washington avenue, to Flushing avenue, to Hall street, to Park avenue, to Skillman street, to Willoughby avenue, to Bedford avenue, to Lafayette avenue, to Marcy avenue, to Kosciusko street, to Nostrand avenue, to Flushing avenue, to Harrison avenue, to Hooper street, to Broadway, to Rodney street, to South First street, to Marcy avenue, to South Second street, to Havemeyer street, to Broadway, to South Sixth street, to Barry street, to Broadway, to the East river, to Wallabout bay, to Wallabout channel, to Wallabout canal, to the place of beginning.

The fortieth aldermanic district shall consist of that portion of the county of Kings within and bounded by a line beginning at the intersection of Lewis avenue and Lafayette avenue and running thence along Lewis avenue to McDonough street, to Tompkins avenue, to Fulton street, to Patchen avenue, to Sumpter street, to Howard avenue, to Marion street, to Rockaway avenue, to Broadway, to Van Buren street, to Reid avenue, to Lafayette avenue, and thence along Lafayette avenue to the place of beginning.

The forty-first aldermanic district shall consist of that portion of the county of Kings within and bounded by a line beginning at the intersection of Broadway and Van Buren street and running thence along Van Buren street to Reid avenue, to Lafayette avenue, to Marcy avenue, to Kosciusko street, to Nostrand avenue, to Flushing avenue, to Broadway, and thence along Broadway to the place of beginning.

The forty-second aldermanic district shall consist of that portion of the county of Kings within and bounded by a line beginning at Gowanus bay and Columbia street, and running thence along Columbia street to Mills street, to Henry street, to Huntington street, to Clinton street, to Nelson street, to Court street, to Huntington street, to Smith street, to Ninth street, to Second avenue, to Eighth street, to Fourth avenue, to Prospect avenue, to Eleventh avenue, to Terrace place, to Gravesend avenue, to Fort Hamilton parkway, to Thirty-seventh street, to Seventh avenue, to Forty-eighth street, to Fifth avenue, to Thirty-seventh street, to Fourth avenue to Thirty-ninth street, and thence along Thirty-ninth street to the waters of Gowanus bay, and thence to the place of beginning.

The forty-third aldermanic district shall consist of that portion of the county of Kings within and bounded by a line beginning at the intersection of Nelson street and Clinton street, and running thence along Clinton street to Third place, to Court street, to Bergen street, to Fourth avenue, to Wyckoff street, to Saint Mark's place, to Fifth avenue, to Garfield place, to Fourth avenue, to Eighth street, to Second avenue, to Ninth street, to Smith street, to Huntington street, to Court street, to Nelson street, and thence to the place of beginning.

The forty-fourth aldermanic district shall consist of that portion of the county of Kings within and bounded by a line beginning at Gowanus bay and Thirty-ninth street and running thence along Thirty-ninth street to Fourth avenue, to Thirty-seventh street, to Fifth avenue, to Forty-eighth street, to Seventh avenue, to Thirty-seventh street, to Tenth avenue, to Thirty-ninth street, to Twelfth avenue, to Fortieth street, to Thirteenth avenue, to Fifty-eighth street, to Twelfth avenue to Sixtieth street, to Thirteenth avenue to Seventy-ninth street, to Fourteenth avenue, to Benson avenue, to Bay Seventh street, to Cropsey avenue, to Bay Eighth street, to Gravesend bay, and thence along the waters of Gravesend bay, the Narrows and Gowanus bay to the place of beginning.

The forty-fifth aldermanic district shall consist of that portion of the county of Kings within and bounded by a line beginning at the intersection of Prospect place and Fifth avenue, and thence along Fifth avenue to Saint Marks avenue, to Saint Mark's place, to Fourth avenue, to Flatbush avenue, to Fulton street, to Rockwell place, to DeKalb avenue, to Washington park, to Myrtle avenue, to Carlton avenue, to Park avenue, to Hall street, to Willoughby avenue, to Waverly avenue to Atlantic avenue, to Saint James place, to Lefferts place, to Grand avenue, to Pacific street, to Classon avenue, to Saint Marks avenue, to Underhill avenue, to Prospect place, to Grand avenue, to Washington avenue, to Sterling place, to Underhill avenue, to Degraw street, to Washington avenue, and thence along the easterly and southerly side of the Institute park to Flatbush avenue, thence along Flatbush avenue, to the Prospect park plaza, to Prospect park west, to President street, to Seventh avenue, to Lincoln place, to Sixth avenue, to Prospect place, and thence along Prospect place to the place of beginning.

The forty-sixth aldermanic district shall consist of that portion of the county of Kings within and bounded by a line beginning at the intersection of Hall street and Park avenue and thence along Park avenue to Skillman street, to Willoughby avenue, to Bedford avenue to Carroll street, to Franklin avenue, to Montgomery street, to Washington avenue, to Degraw street, to Underhill avenue, to Sterling place, to Washington avenue, to Grand avenue, to Prospect place, to Underhill avenue, to Saint Mark's avenue, to Classon avenue, to Pacific street, to Grand avenue, to Lefferts place, to Saint James place, to Atlantic avenue, to Waverly avenue, to Willoughby avenue, to Hall street, and thence along Hall street to the place of beginning.

The forty seventh aldermanic district shall consist of that portion of the county of Kings within and bounded by a line beginning at the intersection of Prospect place and Fifth avenue, and running thence along Prospect place to Sixth avenue, to Lincoln place, to Seventh avenue, to President street, to Prospect park west, to Prospect park plaza, to Flatbush avenue, and thence along the easterly, southerly and westerly sides of Prospect park to Eleventh avenue, to Prospect avenue, to Fourth avenue, to Garfield place, to Fifth avenue, and thence along Fifth avenue to the place of beginning.

The forty-eighth aldermanic district shall consist of that portion of the county of Kings within and bounded by a line beginning at the waters of Newtown creek and Meeker avenue, and running thence along Meeker avenue, to Kingsland avenue, to Richardson street, to Manhattan avenue, to Bayard street, to Humboldt street to Driggs avenue, to Union avenue, to Ten Eyck street, to Bushwick avenue, to Montrose avenue, to Bushwick place, to Boerum street, to White street, to Cook street, to Bushwick avenue, to Flushing avenue, to Central avenue, to Forest street, to Morgan avenue, to Noll street, to Flushing avenue, to Knickerbocker avenue, to Melrose street, to Flushing avenue, and thence along Flushing avenue and to the dividing line between Kings and Queens counties, and thence along the dividing line between Kings and Queens counties to Newtown creek, and thence along the waters of Newtown creek to the place of beginning.

The forty-ninth aldermanic district shall consist of that portion of the county of Kings within and bounded by a line beginning at the East river and Broadway and running thence along Broadway to Berry street, to South Sixth street, to Broadway, to Havemeyer street, to South Second street, to Marcy avenue, to South First street, to Rodney street, to South Second street, to Union avenue, to Driggs avenue, to Leonard street, to Norman avenue, to Manhattan avenue, to Noble street, to Franklin avenue, to India street, and thence along India street to the waters of the East river, and thence to the place of beginning.

The fiftieth aldermanic district shall consist of that portion of the county of Kings within and bounded by a line beginning at the East river and India street and running thence along India street to Franklin street, to Noble street, to Manhattan avenue, to Norman avenue, to Leonard street, to Driggs avenue, to Humboldt street, to Bayard street, to Manhattan avenue, to Richardson street, to Kingsland avenue, to Meeker avenue, to the Newtown creek, and thence along the waters of Newtown creek and the East river to the place of beginning.

The fifty-first aldermanic district shall consist of that portion of the county of Kings within and bounded by a line beginning at Bay Eighth street and Gravesend bay and running thence along Bay Eighth street to Cropsey avenue, to Bay Seventh street, to Benson avenue, to Fourteenth avenue, to Seventy-ninth street, to Thirteenth avenue, to Sixtieth street, to Twelfth avenue, to Fifty-eighth street, to Thirteenth avenue, to Fortieth street, to Twelfth avenue, to Thirty-ninth street, to Tenth avenue, to Thirty-seventh street, to Fort Hamilton avenue, to Gravesend avenue, to Terrace place, to Eleventh avenue, to Fifteenth street, to Coney Island avenue, to Vanderbilt street, to Prospect avenue, to Fort Hamilton avenue, to Poplar street, to Johnson street, to Coney Island avenue, to Foster avenue, to East Seventeenth street, to Avenue I, to Flatbush avenue, to East Thirty-fourth street, to Avenue J, to Schenectady avenue, to Flatbush avenue, to Avenue R, to Barnett street, to Garretson's mill pond, and thence along the waters of Garretson's creek, Sheepshead bay, the Atlantic ocean and Gravesend bay, to the place of beginning.

The fifty-second aldermanic district shall consist of that portion of the county of Kings within and bounded by a line beginning at the intersection of Dean street and Bedford avenue, and running thence along Bedford avenue to Lafayette avenue, to Lewis avenue, to McDonough street, to Tompkins avenue, to Fulton street, to Schenectady avenue, to Pacific street, to Utica avenue, to Bergen street, to Albany avenue, to Atlantic avenue, to New York avenue, to Dean street, and thence along Dean street to the place of beginning.

The fifty-third aldermanic district shall consist of that portion of the county of Kings within and bounded by a line beginning at the intersection of Dean street and Bedford avenue, and running thence along Dean street to New York avenue, to Atlantic avenue, to Albany avenue, to Bergen street, to Utica avenue, to Church avenue, to East Forty-ninth street, to Grant street, to Schenectady avenue, to Avenue J, to East Thirty-fourth street, to Flatbush avenue, to Avenue I, to East Seventeenth street, to Foster avenue, to Coney Island avenue, to Johnson street, to Poplar street, to Fort Hamilton avenue, to Prospect avenue, to Vanderbilt street, to Coney Island avenue, and thence around the southerly and easterly sides of Prospect park to Flatbush avenue, to southerly side of Institute park, to Washington avenue, to Montgomery street, to Franklin avenue, to Carroll street, to Bedford avenue, and thence along Bedford avenue to the place of beginning.

The fifty fourth aldermanic district shall consist of that portion of the county of Kings within and bounded by a line beginning at the dividing line between Kings and Queens counties

at Flushing avenue, and running thence along Flushing avenue to Melrose street, to Knickerbocker avenue, to Flushing avenue, to Noll street, to Hamburg avenue, to Forrest street, to Flushing avenue, to Bushwick avenue, to Cook street, to White street, to Boerum street, to Bushwick avenue, to Moore street, to Morrell street, to Flushing avenue, to Beaver street, to Park street, to Broadway, to DeKalb avenue, to Myrtle avenue, to Cedar street, to Central avenue, to DeKalb avenue, to Hamburg avenue, to Himrod street, to Knickerbocker avenue, to Harmoa street, to Irving avenue, to Himrod street, to Wyckoff avenue, to Harmoa street, to Saint Nicholas avenue, to Stanhope street, to the dividing line between Kings and Queens counties, and thence along the dividing line between Kings and Queens counties to the place of beginning.

The fifty-fifth aldermanic district shall consist of that portion of the county of Kings within and bounded by a line beginning at the intersection of the dividing line between Kings and Queens counties at Stanhope street, and running thence along Stanhope street to Saint Nicholas avenue, to Harmon street, to Wyckoff avenue, to Himrod street, to Irving avenue, to Harmon street, to Knickerbocker avenue, to Himrod street, to Hamburg avenue, to DeKalb avenue, to Central avenue, to Cedar street, to Myrtle avenue, to DeKalb avenue, to Broadway, to Moffat street, to Evergreen avenue, to Hancock street, to Central avenue, to Linden street, to Wyckoff avenue, to Ralph street, to St. Nicholas avenue, to Bleecker street, and thence along Bleecker street to the dividing line between Kings and Queens counties, and thence along the dividing line between Kings and Queens counties to the place of beginning.

The fifty-sixth aldermanic district shall consist of that portion of the county of Kings within and bounded by a line beginning at the intersection of Bushwick avenue and Ten Eyck street, and thence along Ten Eyck street to Union avenue, to South Second street, to Rodney street, to Broadway, to Hooper street, to Harrison avenue, to Flushing avenue, to Broadway, to Park street, to Beaver street, to Flushing avenue, to Morrell street, to Moore street, to Bushwick avenue, to Boerum street, to Bushwick place, to Montrose avenue, to Bushwick avenue, hundred and one, and amended by chapter six and thence along Bushwick avenue to the place of beginning.

The fifty-seventh aldermanic district shall consist of that portion of the county of Kings of the state of New York, within and bounded by a line beginning at the intersection of Bleecker street and the Queens county line, thence along Queens county line to the boundary line between the twenty-sixth and twenty-eighth wards, to Bushwick avenue, to Stewart street, to Broadway, to the boundary line between the twenty-fifth and twenty-sixth wards, to Atlantic avenue, to Rochester avenue, to Fulton street, ot Patchen avenue, to Sumpter street, to Howard avenue, to Marion street, to Rockaway avenue, to Broadway, to Moffat street, to Evergreen avenue, to Hancock street, to Central avenue, to Linden street, to Wyckoff avenue, to Ralph street, to Saint Nicholas avenue, to Bleecker street, to the point of beginning.

The fifty-eighth aldermanic district shall consist of that portion of the county of Kings of the state of New York within and bounded by a line beginning at the intersection of the boundary line between the twenty-sixth and twenty-eighth wards and Bushwick avenue, running thence along the said boundary line of the twenty-sixth and twenty-eighth wards to the boundary line between Kings and Queens counties, to Duck Point marsh, to Jamaica bay, through the waters of Jamaica bay to Pennsylvania avenue, to Jamaica avenue, to Bushwick avenue, to the point of beginning.

The fifty-ninth aldermanic district shall consist of that portion of the county of Kings of the state of New York within and bounded by a line beginning at the intersection of Stewart street and Bushwick avenue, thence along Bushwick avenue to Jamaica avenue, to Pennsylvania avenue, to the waters of Jamaica bay, thence through the waters of Jamaica bay, in a southerly direction, to a point in the boundary line between Kings and Queens counties opposite the easterly end of Duck Point marsh, thence along the boundary line between Kings and Queens counties through the waters of Jamaica bay south of Barren island to Dead Horse inlet, thence along the waters of Dead Horse inlet and Garretson's creek to Garretson's mill pond, to Burnett street, to Avenue R, to Flatbush avenue, to Schenectady avenue, to Grant or Snyder avenue, to East Forty-ninth street, to East Broadway, or Church avenue, to Utica avenue, to Pacific street, to Schenectady avenue, to Fulton street, to Rochester avenue, to Atlantic avenue, to the boundary line between the twenty-fifth and twenty-sixth wards, to Broadway, to Stewart street, to the point of beginning.

The sixtieth aldermanic district shall consist of that portion of the county of Queens within and bounded by the East river, Bowery bay, Old Bowery Bay road, Jackson avenue, Rapelye avenue, the canal and Newtown creek.

The sixty-first aldermanic district shall consist of that portion of the county of Queens within and bounded by Morris avenue, Calamus road, Long Island railroad, Trotting Cross lane, Metropolitan avenue, boundary line of second and fourth wards, Vanderveer avenue, Jamaica avenue, Shore avenue, Atlantic avenue, Morris avenue, Rockaway road, boundary line of Queens and Nassau counties, Atlantic ocean, Jamaica bay and the boundary of Kings and Queens counties.

The sixty-second aldermanic district shall consist of that portion of the county of Queens within and bounded by a line beginning at the canal running into Newtown creek, to Rapelye avenue to Jackson avenue, to Old Bowery Bay road, to Bowery bay, to East river, to Boulevard, to Third avenue, to Fourth avenue, to Whitestone avenue, or road, to Union street, to Lincola street, to Main street, to Bradford avenue, to Lawrence street or avenue, to Irelaad Mill road, to Flushing creek, to the boundary line of the second and third wards, boundary line of second and fourth wards, to Metropolitan avenue, to Trotting Cross lane, to Long Island road, to Calamus road, to Maurice avenue, to Maspeth avenue, to Newtown creek, to the place of beginning.

The sixty-third aldermanic district shall consist of that portion of the county of Queens within and bounded by a line beginning at the East river and Boulevard, to Third avenue, to Fourth avenue, to Whitestone avenue, or road, to Union street, to Lincoln street, to Main street, to Bradford avenue, to Lawrence street or avenue, to Ireland Mill road, to Flushing creek, the boundary line of third and fourth wards, to Rocky Hill road, to boundary line of Nassau and Queens counties, to Little Neck bay, to East river, to the place of beginning.

The sixty-fourth aldermanic district shall consist of that portion of the county of Queens within and bounded by a line beginning at the boundary line of the second and fourth wards, to boundary line between the third and fourth wards and Rocky Hill road, to boundary line between Nassau and Queens counties, Rockaway road, Morris avenue, Atlantic avenue, Shore avenue, Jamaica avenue, Vanderveer avenue, to the bonndary line between the second and fourth wards, to the place of beginning.

Staten Island, as designated in section four hundred and twenty-five of this act, being the county of Richmond, is hereby divided into three aldermanic districts as follows: That portion of said Staten Island which was heretofore known as the town of Castleton, being the first ward of the borough of Richmond, shall constitute the sixty-fifth aldermanic district, and those portions of said Staten Island which were heretofore known as the towns of Middletown and Southfield, being the second and fourth wards of said borough of Richmond, shall together constitute the sixty-sixth aldermanic district, and those portions of said Staten Island which were heretofore known as the towns of Northfield and Westfield, being the third and fifth wards of said borough of Richmond, shall together constitute the sixty-seventh aldermanic district.—As amended by Laws of 1916, Chap. 540.

Qualification of members of the board of aldermen.

Sec. 20. Any citizen of the United States who is a resident of The City of New York shall be eligible for election to the board of aldermen in any one of the aldermanic districts.

Sec. 21. Repealed by Act of 1901.

Time of meeting of Board of Aldermen.

Sec. 22. The first meeting of the board of aldermen in each year shall be held on the first Monday of January, at noon.

When president of board of aldermen to act as mayor; powers; temporary chairman of board of aldermen.

Sec. 23. Whenever there shall be a vacancy in the office of mayor, or whenever, by reason of sickness or absence from the city, the mayor shall be prevented from attending to the duties of his office, the president of the board of aldermen shall act as mayor, and possess all the rights and powers of mayor during such disability or absence. In case of a vacancy he shall so act until noon of the first day of January succeeding the election at which the mayor's successor shall be chosen. It shall not be lawful for the president of the board of aldermen when acting as mayor in consequence of the sickness or absence from the city of the mayor, to exercise any power of appointment to or removal from office, unless such sickness or absence of the mayor shall have continued thirty days; or to sign, approve or disapprove any ordinance or resolution unless such sickness or absence shall have continued at least nine days. The board of aldermen shall elect a vice-chairman to preside over its meetings, who shall possess the powers and perform the duties of the president of the board of aldermen, when the president is sick, absent or under suspension, or while the president of the board of aldermen is acting as mayor, or when a vacancy occurs in said office, and who shall, during such times, be a member of every board of which the president of said board of aldermen is a member by virtue of his office.

Sec. 24. Repealed by Act of 1901.

Heads of departments; seats in board of aldermen; when required to attend.

Sec. 25. Each head of an administrative department of the city shall be entitled to a seat in the board of aldermen and shall whenever required by it attend its meetings. He shall answer all questions put to him by any member relating to the affairs of his department, provided he shall have received forty-eight hours written notice thereof, and of the questions to be put. He shall have the right to participate in the discussions of said board, but shall not have the right to vote. If an administrative department is composed of more than one member, the president or presiding officer of such department shall be entitled to such seat.

Sec. 26. Repealed by Act of 1901.

Board of aldermen; sergeant-at-arms; rules; journal; sittings; expulsion of members.

Sec. 27. The board of aldermen may elect a sergeant-at-arms and such assistants as are needful to the orderly conduct of its meetings, provided, however, that no expenditures for salaries for such sergeant-at-arms and such assistants shall exceed the amount appropriated therefor in the annual budget. The board of aldermen shall determine the rules of its own proceedings; shall be the judge of the election returns and qualifications of its own members, subject, however, to review by certiorari of any court of competent jurisdiction; shall keep a journal of its proceedings; shall sit with open doors; shall have authority to compel the attendance of absent members and to punish its members for disorderly behavior, and to expel any member with the concurrence of two-thirds of all the members elected to the board of aldermen. Every member so expelled shall thereby forfeit all his rights and powers, subject, however, to judicial review on certiorari.

City clerk; appointment; term; duties; papers certified by him; how far admissible in evidence; fees for certification.

Sec. 28. The board of aldermen shall, whenever a vacancy occurs in the office of the city clerk, appoint a clerk, who shall perform such duties as may be prescribed for him. The clerk so appointed shall also be the city clerk and the clerk of the board of aldermen, and shall hold his office for six years, and until his successor shall be appointed and has qualified, unless removed for cause. The city clerk shall have charge of all the papers and documents of the city, except such as are by law committed to the keeping of the several departments or of other officers, and except as provided in section one hundred and thirty-six of this act as amended. He shall keep the record of the proceedings of the board of aldermen. He shall also keep a separate record of all the ordinances of the board of aldermen in a book to be provided for that purpose, with proper indices, which book shall be deemed a public record of such ordinances, and each ordinance shall be attested by said clerk. He shall also keep a separate and public record which shall be known as the "street franchise book." In such record he shall forthwith transcribe verbatim from copies duly certified by or under the authority of the board granting, making or adopting the same, every grant, franchise, contract, or resolution in the nature of a franchise affecting any of the streets, avenues, highways, boulevards, concourses, driveways, bridges, tunnels, parks, parkways, waterways, docks, wharves, bulkheads, piers or public grounds or waters within or belonging to the city which shall hereafter be granted, made or adopted by the board of estimate and apportionment or the board of rapid transit railroad commis-

sioners of the city, together with copies of all formalities of the execution or verification thereof, and shall forthwith, after so transcribing the same, make and transmit to the board which shall have made, granted or adopted such grant, franchise, contract or resolution a copy of such record, with a minute of the date, volume and page thereof, duly certified by him. Copies of all papers duly filed in his office, and transcripts thereof, and of the records of proceedings of the board of aldermen, and copies of the laws and ordinances of said city, certified by him under the corporate seal, shall be permissible in evidence in all courts and places in the same manner and for the same purposes as papers or documents similarly authenticated by the clerk of a county. Said city clerk may be removed on charges by a two-thirds vote of all the members of the board of aldermen, subject, however, to judicial review on certiorari. He shall collect the following fees: For a copy of any book, account, record, or other paper filed in his office, five cents for each folio; for a certification of any book, account, record or other paper filed in his office, twenty-five cents, and five cents in addition for each folio in excess of five; for each bond filed in his office, twelve cents; for filing all other papers, required by law to be filed in his office, six cents; for a certificate of appointment of a commissioner of deeds, twenty-five cents.—As amended by Laws 1905, Chapter 629.

City clerk; proceedings of board of aldermen.

Sec. 29. Immediately after the adjournment of each meeting of the board of aldermen, it shall be the duty of the city clerk to prepare a brief extract, omitting all technical and formal details, of all resolutions and ordinances introduced or passed, and of all recommendations of committees, and of all final proceedings, as well as full copies of all messages from the mayor and all reports of departments or officers. He shall at once transmit the same to the person appointed to supervise the publication of the City Record to be published therein.

Certain ordinances and resolutions, how passed and approved; ayes and noes published.

Sec. 30. No ordinance or resolution providing for or contemplating the alienation or disposition of any property of the city, the granting of a franchise, terminating the lease of any property or franchise belonging to the city or making of any specific improvement, or the appropriation or expenditure of public moneys, or authorizing the incurring of any expense, or the taxing or assessing of property in the city, shall, unless by unanimous consent, be finally passed or adopted by the board of aldermen until at least five days after such abstract of its provisions shall have been published, as provided in section twenty-nine. No such ordinance or resolution shall be approved by the mayor until three days after such abstract shall have been so published after its passage; but if an abstract of any resolution or ordinance shall have been once published after its introduction, it shall not thereafter be necessary to publish the same again, but only to refer to the date and page of the former publication in the City Record, and to state the amendments, if any, made thereto. In all cases the ayes and noes upon the final passage of such resolution or ordinance shall be taken, recorded and published.

Records open for inspection; other duties of clerk; sickness.

Sec. 31. It shall be the duty of the city clerk to keep open for inspection at all reasonable times, the records and minutes of the proceedings of the board of aldermen. He shall keep the seal of the city, and his signature shall be necessary to all leases by the city of its property, and to all grants and other documents, as under existing laws. In the absence of said clerk by sickness or otherwise, his first deputy shall be vested with and possessed of all rights and powers, and be charged with all the duties by this section or by law or ordinance imposed upon said clerk.

Id.; records and papers delivered to and kept by the city clerk; clerks in boroughs.

Sec. 32. All the muniments, records, patents, deeds, minutes, writings and papers belonging to the mayor, aldermen and commonalty of the city of New York, which were in the custody of the clerk of the board of aldermen thereof on the thirty-first day of December, eighteen hundred and ninety-seven, shall be delivered to and kept by the city clerk. The city clerk shall, except as otherwise expressly provided in this act, be the custodian of all like documents; records, patents, deeds, minutes, writings and other papers belonging to any of the municipal and public corporations by this act united and consolidated into The City of New York, and shall have power to appoint a clerk in each of the boroughs constituted by this act, who shall have charge of the same, subject to the direction and control of said city clerk or of the board of aldermen.

Id.; salary and deputies.

Sec. 33. The salary of the city clerk shall be seven thousand dollars a year, and he may appoint such deputies or clerks as are necessary to the discharge of his duties.

Licenses to Auctioneers.

Sec. 34. The city clerk shall have authority to grant licenses to any person engaged in and carrying on the business and occupation of auctioneer, or desiring to be so engaged, on payment of the sum of one hundred dollars per annum, on such person filing a bond, approved by him, with two good sureties in the penal sum of two thousand dollars. The president of the board of aldermen or, upon his designation, the vice-chairman of the board of aldermen on complaint of any person having been defrauded by any auctioneer, or by the clerk, agent or assignee of such auctioneer, doing business in said city, is authorized and directed to take testimony under oath relating thereto; and if the charge shall, in his opinion, be sustained, he shall revoke the license granted to such auctioneer, and direct his bonds to be forfeited; or upon complaint of any person that any auctioneer or clerk, agent or assignee of such auctioneer, has been guilty of misconduct relating to the business transacted under such auctioneer's license, is authorized and directed to take testimony under oath relating thereto; and if the charge shall, in his opinion, be sustained, he may suspend for a term not to exceed six months, the license granted to such auctioneer. No person, persons, corporation or association shall hereafter carry on the business of auctioneer in the city of New York, without having first obtained from the city clerk a license authorizing such person, persons, corporation or association to carry on the business of auctioneer; and no person, persons, corporation or association whose license has been revoked for cause shall again be licensed to carry on the business of auctioneer. Any person or persons, corporation, partnership or association who shall offer for sale, or sell goods of any description, wares, merchandise, real or personal property at vendue or auction without having first obtained from the city clerk a license authorizing such person or persons, corporation, partnership or association to carry on the business of auctioneer, or whose license is suspended, shall be guilty of a misdemeanor. But nothing in this section shall apply to a duly appointed marshal of the city of New York who, by virtue of his office by levy under legal process, sells goods, wares and merchandise or real or personal property, thus levied upon by him under such process.—As amended by Laws of 1911, chap. 472.

Board of aldermen; journal; ayes and noes.

Sec. 35. The board of aldermen shall keep a journal of its proceedings, and the ayes and noes of the members on any question shall, at the desire of any two members, be taken and entered therein. The ayes and noes shall be called and recorded on the final passage of any ordinance.

Id.; no member eligible to any city office.

Sec. 36. No member of the board of aldermen shall, while serving as a member of such board, be eligible or be appointed to any other office under the city, nor shall any member of said board of aldermen, while such, be a contractor with or an employe of the city or of the board of aldermen in any capacity whatever.—As amended by Laws of 1903, Chapter 304.

Id.; meetings.

Sec. 37. The stated and occasional meetings of the board of aldermen and its proceedings and business shall be regulated by its own resolutions and rules, provided, however, that at least one stated meeting shall be held each month, except in its discretion in August and September. The mayor may at any time call a special meeting of the board of aldermen. He shall call such meeting when a requisition for that purpose, signed by fifteen members has been presented to him. Three days before any special meeting of the board of aldermen is held, notice of the time of the intended meeting and of the business proposed to be transacted, signed by the mayor, shall be published in the City Record, and at the same time the city clerk shall cause a copy of such notice to be left at or sent by post to the usual place of abode or of business of each member of the board of aldermen; but want of service of a notice upon any member shall not affect the validity of a meeting. No business shall be transacted at a special meeting other than that specified in the notice relating thereto.

Id.; style of ordinances.

Sec. 38. The style of ordinances shall be: "Be it ordained by the board of aldermen of The City of New York, as follows":

Id.; vote required to pass ordinances and resolutions.

Sec. 39. Every legislative act of the board of aldermen shall be by ordinance or resolution. No ordinance or resolution shall be passed except by a vote of a majority of all the members of the board of aldermen. No money shall be expended for any celebration, procession, funeral ceremony, reception or entertainment of any kind or on any occasion, unless by the votes of four-fifths of all the members of the board of aldermen. No additional allowance beyond the legal claim which shall exist under any contract with the corporation, or with any department or officer thereof, or for any services on its account or in its employment, shall ever be passed by the board of aldermen except by a unanimous vote; and in all cases the provisions of any such contract shall determine the amount of any claim thereunder or in connection therewith, against the said corporation, or the value of any such services.

Mayor's Veto.

Sec. 40. Every ordinance or resolution shall, before it takes effect, be presented, duly certified, to the mayor for his approval. The mayor shall return such ordinance or resolution to the board of aldermen, within ten days after receiving it, or at the next meeting of the board of aldermen after the expiration of said ten days, unless such ordinance or resolution be one of those mentioned in section thirty of this act, in which case the mayor shall return said ordinance or resolution within ten days after the abstract of its provisions or a reference thereto shall have been published in the City Record as provided in said section thirty, or at the next meeting of the board of aldermen after the expiration of said ten days. If he approve it, he shall sign it. If he disapprove it, he shall specify his objection thereto in writing. If he do not return it with such disapproval within the time above specified, it shall take effect as if he had approved it. In case of disapproval, the objections of the mayor shall be entered at large on the journal of the board of aldermen and the board of aldermen shall, after ten days, and within fifteen days after such ordinance or resolution shall have been returned to it, proceed to reconsider and vote upon the same. If the same shall, on reconsideration, be again passed by the votes of at least two-thirds of all the members of the board of aldermen, it

shall take effect; provided that in case the ordinance or resolution involves the expenditure of money, the creation of a debt, or the laying of an assessment, it shall require a vote of three-fourths of all the members of the board of aldermen to pass it over the mayor's veto; and if it involves the grant of a franchise, the mayor's veto shall be final. If the ordinance or resolution shall fail to receive upon the first vote upon such reconsideration such number of affirmative votes, it shall be deemed finally lost. In all cases the vote shall be taken by ayes and noes, and the names of the persons voting for or against its passage on such reconsideration shall be entered in the journal of the house. In case an ordinance or resolution shall embrace more than one distinct subject, the mayor may approve the provisions relating to one or more subjects, and disapprove the others. In such case those he shall approve shall become effective, and those he shall not approve shall be reconsidered by the board of aldermen, and shall only become effective if again passed, as above provided.

Ordinances to remain in force.

Sec. 41. The ordinances which on December thirty-first, eighteen hundred and ninety-seven, were in force respectively in the City of New York, the City of Brooklyn, Long Island City, and the other municipal and public corporations and parts thereof consolidated with The City of New York, except so far as the same have since been modified, amended, or repealed by the municipal assembly of The City of New York, and all ordinances which on January first, nineteen hundred and two, are in force in The City of New York, are, so far as the same are not inconsistent with this act, hereby continued in full force and effect within the former limits of said respective cities and municipal and public corporations, or parts thereof, subject to modification, amendment or repeal by the board of aldermen of The City of New York. Such ordinances may be enforced by and in the name of "The City of New York." But all such ordinances affecting or relating to grants, franchises or contracts, or resolutions in the nature of a franchise heretofore made, granted or adopted, or to be hereafter made, granted or adopted, or rights now or hereafter existing, involving the occupation or use of any street, avenue, highway, boulevard, concourse, driveway, bridge, tunnel, park, parkway, waterway, dock, wharf, bulkhead, pier or public grounds or waters which are within or belong to the city, shall hereafter be subject to modification, amendment or repeal by the board of estimate and apportionment in like manner in which and within the same limits within which they have heretofore been subject to modification, amendment or repeal by the said board of aldermen, Provided, however, that this section shall not apply to or affect any franchise, grant, contract or right authorized by the board of rapid transit railroad commissioners of the city.—As amended by Laws 1905, Chapter 629.

Board of aldermen; powers and duties of former boards.

Sec. 42. Except as otherwise provided in this act, all the powers and duties which on December thirty-first, eighteen hundred and ninety-seven, were conferred or charged upon the common council or the mayor, aldermen and commonalty of the City of New York, or the board of aldermen thereof, or upon the common council of the city of Brooklyn, or of Long Island City, or upon any board, body or officer of any of the municipal and public corporations or parts thereof, consolidated with The City of New York, as heretofore known and bounded, and all the powers and duties which on January first, nineteen hundred and two, are conferred or charged upon the municipal assembly of The City of New York shall be exercised and performed by the board of aldermen of The City of New York, as hereby constituted, subject, nevertheless, to the power of approval or disapproval by the mayor of said city, as provided in this act.

Id.; police, health, park, fire and building regulations.

Sec. 43. The board of aldermen shall have power to make, establish, alter, modify, amend and repeal all ordinances, rules, and police, health, park, fire and building regulations, not contrary to the laws of the state or the United States, as they may deem necessary to carry into effect the powers conferred upon The City of New York by this act, or by any other law of the state or by grant; and such as they may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, peace and prosperity of said city, and its inhabitants, except so far as power is conferred by this act upon presidents of boroughs, the police, health, park and fire departments, respectively, to make rules for the government of the persons employed in and by said departments. Nothing in this section contained shall be construed to impair the powers conferred by this act upon the department of education; and except so far as the legislative power respecting the health, police, park, fire and building departments shall be conferred upon said departments, respectively, by the provisions of this act, and except that any modification of the existing rules, regulations and ordinances affecting any of the departments and all ordinances to be passed to govern the board of public improvements or any of the departments thereof, must originate with the department concerned, or with said board, and must be adopted or rejected by the board of aldermen without amendment. But nothing in this section or this act contained shall be construed to impair the power or control conferred by this act upon the board of estimate and apportionment with respect to the streets, avenues, highways, boulevards, concourses, driveways, bridges, tunnels, parks, parkways, waterways, docks, bulkheads, wharves, piers and all public grounds and waters which are within or belong to the city.—As amended by Laws 1905, Chapter 629.

Enumeration of powers of Board of Aldermen not restrictive; general powers.

Sec. 44. No enumeration of powers in this act shall be held to limit the legislative power of the board of aldermen except as in this act specifically provided and the board of aldermen in addition to all enumerated powers may exercise all of the powers vested in The City of New York by this act, or otherwise, by proper ordinances, rules, regulations and bylaws not inconsistent with the provisions of this act, or with the constitution or laws of the United States or of this state; and, subject to such limitations, may from time to time ordain and pass all such ordinances, rules, regulations and bylaws, applicable throughout the whole of said city or applicable only to specified portions thereof, as to the said board of aldermen may seem meet for the good rule and government of the city, and to carry out the purposes and provisions of this act or of other laws relating to the said city, and may provide for the enforcement of the same by such fines, penalties, forfeitures and imprisonment as may by ordinance or by law be prescribed.—As amended by Laws 1905, Chapter 629.

Franchises for street railways.

Sec. 45. Nothing in this act contained shall repeal or affect in any manner the provisions of the rapid transit acts applicable to the corporation heretofore known as the mayor, aldermen and commonalty of the City of New York, or any municipality united therewith or territory embraced therein, or to repeal or affect the existing general laws of the state in respect to street surface railroads, except that the rate of interest of all bonds issued for the construction and equipment of the rapid transit railway authorized pursuant to the provisions of chapter four of the laws of eighteen hundred and ninety-one, as amended, shall be fixed by the board of commissioners of the sinking fund. The consent or approval of the board of aldermen to or for the issue of corporate stock of the City of New York, as provided by section one hundred and sixty-nine shall not be necessary to authorize the comptroller to issue such stock for the purposes prescribed in chapter four of the laws of eighteen hundred and ninety-one as amended. The board of estimate and apportionment and the comptroller of the city of New York shall, anything herein contained to the contrary notwitstanding, be subject to all the duties and obligations prescribed in said chapter four of the laws of eighteen hundred and ninety-one as amended for the board of estimate and apportionment and comptroller therein mentioned. Upon the execution of any contract made pursuant to chapter four of the laws of eighteen hundred and ninety-one as amended, the board of rapid transit railroad commissioners may, in its discretion, make request upon the board of estimate and apportionment for the authorization of such corporate stock, either for such amounts from time to time as they shall deem the progress of the work to require, or for the full amount sufficient to pay the entire estimated expense of executing such contract. In case they shall make requisition for the entire amount, the comptroller shall endorse on the contract his certificate that funds are available for the entire contract whenever such stock shall have been authorized to be issued by said board of estimate and apportionment; and in such case such stock may be issued from time to time thereafter in such amounts as may be necessary to meet the requirements of such contract. The certificate of the comptroller, mentioned in section one hundred and forty-nine of this act, shall not be necessary to make such contract binding on the city of New York.—As amended by Laws 1907, Chapter 439.

Power to acquire additional water-works.

Sec. 46. The board of aldermen is authorized, in accordance with the provisions of this act, to construct, establish and maintain, or to acquire by purchase or condemnation and maintain in all parts of the city, additional water works to supply the city or any part thereof and its inhabitants with water, and to provide for the distribution and sale to the inhabitants of the city of such water, and fix the terms thereof, and acquire and hold property, real and personal, within and beyond the limits of the city for said purposes. The board of aldermen may pass appropriate ordinances, not inconsistent with law, with this act or with any vested rights of existing companies or corporations, to enforce the provisions of this section and to carry out its purposes.

Powers of Board of Aldermen; bonds for improvements; all powers subject to control of Board of Estimate

Sec. 47. The board of aldermen shall have power to provide by ordinance for the acquisition, construction or establishment of markets; for the acquisition and construction of parks, parkways, playgrounds, boulevards and driveways; for the building of bridges over, and of tunnels under any stream or waterway within or adjoining the limits of the city; for the building of docks, wharves or piers, and for acquiring land by purchase or condemnation, for said purposes; for acquiring, constructing, improving, permanently bettering and equipping public buildings, including school houses, libraries and sites therefor for the use of the city; for the repaving of streets; for building, repairing and equipping boats and vessels or other floating craft of any kind that may be needed for the use and purposes of the city; for the establishing, building and equipping of telegraph or other systems of communication for the use and purposes of the police department and other departments of the city government; for the construction and equipment of public comfort stations; for the making and completing of maps of all the territory embraced within each of the boroughs of said city; for the making and completing of surveys, maps and profiles in condemnation proceedings; and for any of the foregoing purposes may create loans and authorize

the issue of bonds or other evidences of indebtedness, to pay for the same, payable at such times and in such manner, subject to the limitations contained in section one hundred and sixty-nine of this act, as it may by ordinance prescribe; and at such rates of interest as the board of commissioners of the sinking fund may prescribe; but no bonds or other evidences of indebtedness shall be issued under the authority of this section, unless the proposition for creating such shall first be approved by a majority vote of the whole board of estimate and apportionment, entered in the minutes of record of such board. In case any bonds or corporate stock shall have been heretofore issued under authority of this section, as to which the board of aldermen did not prescribe any rate of interest by ordinance, the rate that may have been otherwise fixed and specified shall be the legal and valid rate. In addition to the specific purposes hereinbefore set forth the board of aldermen may also create loans and authorize the issue of bonds for any other purpose connected with the exercise of the various powers conferred by this act upon the city of New York or any department or official thereof: provided, however, that no bonds or other evidences of indebtedness shall be issued for such additional purposes unless first approved by a unanimous vote of the board of estimate and apportionment, entered upon the minutes of record of said board: provided, however, that all the powers in this section or elsewhere in this act granted to the board of aldermen shall be subject to the control of the board of estimate and apportionment over all the streets, avenues, highways, boulevards, concourses, driveways, bridges, tunnels, parks, parkways, waterways, docks, bulkheads, wharves, piers and all public grounds and waters which are within or belong to the city as provided in this act, subject, however, to the limitation contained in section one hundred and sixty-nine of this act.—As amended by Laws of 1916, Chap. 615.

Board of aldermen, to act within limited time on bond issues.

Sec. 48. After any proposition for creating a debt by the issue of bonds for any of the purposes specified in section forty-seven of this act as amended, has been approved by a resolution or vote of the board of estimate and apportionment, it shall be the duty of the board of aldermen upon receiving a copy of such resolution or vote to appoint a day not less than one week nor more than two weeks after receipt thereof for the consideration of the subject matter. The board of aldermen shall, on the day so fixed, proceed with the consideration thereof, and may continue and adjourn such consideration from time to time until a final vote shall be taken thereon as hereinafter provided. Within six weeks after the copy of such resolution or vote of the board of estimate and apportionment shall have been first received by the board of aldermen, a final vote shall be taken thereon by ayes and noes. Provided, however, that the said board of aldermen may by unanimous vote approve any such proposition for the issue of bonds forthwith and without appointing a day for the consideration thereof, and any such propositions so approved heretofore or hereafter shall be valid.

If a majority of all the members of the board of aldermen shall vote against such proposition it shall be deemed to be rejected. If a majority of all the members of the board of aldermen shall not vote against such proposition within the six weeks above limited, then it shall be deemed at the expiration of said period to have been passed by the requisite vote of the board of aldermen. The action of the board of aldermen in passing any such proposition whether by an affirmative vote, or by a failure of a majority of all the members of the board of aldermen to vote against the same, shall be subject to the approval of the mayor and to the action of the board of aldermen in case of a veto, as provided in this act.—As amended by Laws 1906, Chapter 636.

Id.; ordinances and regulations for certain purposes.

Sec. 49. The board of aldermen shall have power to make, amend and repeal ordinances, rules, regulations and by-laws not inconsistent with this act, or with the constitution and laws of the United States or of this state, for the following purposes:

1. In relation to the inspection and sealing of weights and measures, and the keeping in use of proper weights and measures by vendors.

2. In relation to the inspection, weighing and measuring of firewood, coal, hay and straw and the cartage of the same.

3. In relation to street vagrants, beggars and mendicants.

4. In relation to the use of guns, pistols, firearms, firecrackers, fireworks and detonating works of all descriptions.

5. In relation to intoxication, fighting and quarreling in the streets, the breaking or extinguishing of street lamps, and the willful breaking or defacing of windows, porches, knockers or other fixtures.

6. In relation to places of public amusement.

7. In relation to the construction, repair and use of vaults, cisterns, areas, hydrants, sewers and pumps.

8. In relation to partition fences and walls.

9. In relation to the construction, repair, care and use of markets.

10. For the preservation and protection of all or any of the works connected with the supplying of The City of New York with pure and wholesome water.

11. To regulate the fees for searches and certificates to be charged by the collector of assessments and arrears.

12. To regulate swimming and bathing in the waters of and bounding the city, to establish and maintain such public baths and public comfort stations as they may deem neeessary, and to establish suitable rules and regulations for the management of the same.

13. To prohibit and suppress all gaming-houses and places for gaming in the said city.

14. To provide for the more effectual suppression of vice or immorality, and the preserving of peace and good order in said city.

15. To enlarge or extend from time to time the limits of the fire districts of the city, and to establish additional fire districts and from time to time to extend the same.

16. To regulate the use of every building now used or hereafter to be used as a hotel, in so far as the use thereof may involve the safety of the inmates in case of fire.

17. And the board of aldermen shall also fix the annual license fee, not exceeding the sum of $20, for each street or horse car daily operated or used in that portion of the city heretofore known as the City of Brooklyn. Every railroad company operating or using such cars shall, on or before the first day of June in each year, certify to the city clerk the average number of cars daily operated and used by said company, which certificate shall be verified by the oath of one of the managing officers of said company, and every such railroad company shall, on or before the first day of July in each year, pay to the chamberlain of The City of New York the license fee so established for the average number of cars so operated and used by said company. The said license fees shall be taken in full satisfaction for the use of the streets or avenues, but the same shall not release said company from any obligations required by law to keep such in repair, which said obligations and the contracts, laws or ordinances creating and enforcing the same, are hereby continued in full force and operation. But nothing in this subdivision contained shall be construed to release any railroad company in The City of New York, as constituted by this act, from any duty or obligation existing at the time this act takes effect by virtue of any law, ordinance or contract.

Ordinances in relation to the matters mentioned in this section may provide for the enforcement thereof in the manner specified in section forty-four of this act as amended.

Id.; to regulate the use of streets; but not so as to affect franchises.

Sec. 50. Subject to the constitution and laws of the state, the board of aldermen shall have power to regulate the use of streets and sidewalks by foot-passengers, animals or vehicles; to regulate the speed at which vehicles shall be driven or ridden and at which vehicles shall be propelled in the streets; to regulate processions or parades occupying or marching upon any street; to prevent encroachments upon and obstructions to the streets and to authorize and require their removal by proper officers; to regulate the opening of streets surfaces for purposes authorized by law; to regulate the numbering of houses and lots in the streets and the naming of streets, except that it shall not be lawful to number or renumber any houses or to change the name of any street save between the first day of December in any year and the first day of May next ensuing; to regulate and prevent the throwing and depositing of ashes, garbage or other filth or rubbish, of any kind upon the streets; to regulate the use of the streets for signs, sign posts, awnings, awning posts, horse troughs, urinals, posts for telegraph or other electric wires, and other purposes, to regulate street pavements, cross-walks, curb stones, gutter stones and sidewalks; to provide for regulating, grading, flagging, curbing, guttering and lighting the streets; to regulate public cries, advertising noises, steam whistles, and ringing bells in the street; to regulate the exhibiting of banners, placards or flags in or across the streets or from houses or other buildings; to regulate the exhibition of advertisements or hand bills along the streets; and to make all such regulations in reference to the running of stages, omnibuses, trucks and cars as may be necessary for the convenient use and the accommodation of the streets, piers, wharves or stations. Whenever the word "street" or the plural thereof occurs in this section it shall be deemed to include all that is included by the terms "street, avenue, road, alley, lane, highway, boulevard, concourse, public square and public place," or the plurals thereof respectively. Where the word "vehicle" or the plural thereof occurs in this section it shall be deemed to include wagons, trucks, carts, cabs, carriages, stages, omnibuses, motors, automobiles, locomobiles, locomotives, bicycles, tricycles, sleighs or other conveyances for persons or property. The board of aldermen shall not have the power to authorize the placing or continuing of any encroachment or obstructions upon any street or sidewalk, except the temporary occupation thereof during the erection or repairing of a building on a lot opposite the same, nor shall they permit the erection of booths and stands within stoop lines, except for the sale of newspapers, periodicals, fruits and soda water, cigars, cigarettes, tobaccos, candies and confectionery articles, and with the consent in such cases of the owner of the premises; but the power of the board of aldermen to authorize the sale of soda water, cigars, cigarettes, tobacco, candies and confectionery articles shall be limited to stand licenses and the locations thereof in effect at the time this section as amended takes effect; and except as herein expressly provided, all such licenses shall remain subject to city ordinances. The board of aldermen shall not pass any special ordinance in relation to any of the matters mentioned in this section. All ordinances in relation thereto shall be general ordinances, which may either apply throughout the whole city or throughout specified portions thereof, and shall provide for the enforcement thereof as specified in section forty-four of this act as amended. Nothing herein contained shall be construed to prevent the board of aldermen from providing by special ordinance for the erection or maintenance on the streets or waters within the city of New York of fountains, public comfort stations, urinals, public baths, or other like structures maintained by the public authorities; for the establishment of which the said board is hereby empowered to provide. All general ordinances relating to authorized structures, encroachments or obstructions in or upon the streets or sidewalks by persons other than the authorities of the city of New York, or other public authorities shall fix a definite license fee for every such authorized structure, encroachment or obstruction, according to the character, extent and duration thereof, and shall provide for the issuing of revocable licenses therefor, which shall be according to an established form and shall be regularly numbered and duly registered as shall be prescribed by the board of aldermen. But no ordinance hereafter adopted, or power hereafter exercised by the board of aldermen shall limit, apply to or affect any franchise, grant, contract or resolution in the nature of a franchise hereafter made, approved or authorized by the board of estimate and apportionment as in this act provided, or by the board of rapid transit railroad commissioners of the city of New York.—As amended by Laws of 1916, Chap. 592.

Board of aldermen; licensing and regulating certain trades or business; dog licenses, etc.

Sec. 51. Subject to the constitution and laws of the state, the board of aldermen shall have power to provide for the licensing and otherwise regulating the business of dirt carts, public cartmen, truckmen, hackmen, cabmen expressmen, car-drivers and boatmen; of bootblacks; of pawnbrokers, junk-dealers, keepers of intel-

ligence offices, dealers in second-hand articles, hawkers, peddlers, vendors and scalpers in coal freights; of menageries, circuses and common shows; of shooting galleries, bowling alleys and billiard tables for hire; of bone boiling, fat rendering and other noxious businesses; of persons who conduct, operate, manage, control or own any massage parlor, institute, institution or any other place where manual or mechanical massage or similar treatment is applied and of persons who apply such treatment; and shall have power to regulate or forbid the keeping of dogs. The board of aldermen shall also have power to regulate the rates of fare to be taken by owners or drivers of hackney coaches, carriages, motors, automobiles or other vehicles, and to compel the owners thereof to pay annual license fees. All ordinances in relation to any of the matters mentioned in this section shall be general, shall provide for the enforcement thereof in the manner specified in section forty-four of this act as amended, and shall fix the license fees to be paid, if any. All licenses shall be according to an established form, and shall be regularly numbered and duly registered as shall be prescribed by the board of aldermen.—As amended by Laws of 1916, Chap. 192.

Rules and regulations as to navigable waters within the city limits.

Sec. 52. The board of aldermen shall have power to establish by general ordinances proper rules and regulations for the safety of passengers on excursion steamers, yachts and all crafts taking part in regattas or races, whether as observers or participants, in the navigable waters embraced within the corporate limits of the city and for preserving the public peace and preventing undue interference with or interruption of such regattas and races. Such rules and regulations when so adopted shall be duly published in the public newspapers and any wilful violation of the same by any person shall subject the offender to the penalties of a misdemeanor and if the holder of a license from the city to a forfeiture thereof.

Sec. 53. Repealed by Act of 1901.

Id.; to see to the faithful execution of the laws, etc.

Sec. 54. The board of aldermen shall have power and it shall be its duty to see to the faithful execution of the laws and ordinances of the city; and it may appoint from time to time a special committee to inquire whether the laws and ordinances of the city relating to any subject or to any department of the city government are being faithfully observed, and the duties of the officers of such department or of any officer of the city are being faithfully discharged, also to examine and report whether there are any unnecessary inefficient or unfit employes, any excesive salaries or compensations paid, and generally in respect of any and all matters which will conduce to the orderly and economical administration of the affairs of the city government or any department thereof. Such committee shall have access to the books and records of the city or of any department or officer thereof.

Id.; security to be required from certain officers.

Sec. 55. It shall be the duty of the board of aldermen, where no provision has been made by law in respect thereto, to provide for the accountability of all officers and other persons, save as herein otherwise provided, to whom the receipt or expenditure of the funds of the city shall be entrusted, by requiring from them sufficient security for the performance of their duties of trust, which security shall be annually renewed; but the security first taken shall remain in force until new security shall be given. In the event of a failure of the board of aldermen to fix any such bond, the heads of the respective departments and the presidents of the several boroughs shall have power to fix such bond subject to modifications by the board of aldermen.

Salaries of officers to be fixed by Aldermen; exception.

Sec. 56. The salaries of all officers whose offices may be created by the board of aldermen for the purpose of giving effect to the provisions of this act, shall, subject to the other provisions of this act, be prescribed by ordinance or resolution. Except as in this section otherwise provided it shall be the duty of the board of aldermen, upon the recommendation of the board of estimate and apportionment, to fix the salary of every officer or person whose compensation is paid out of the city treasury other than day laborers, and teachers, examiners and members of the supervising staff of the department of education, irrespective of the amount fixed by this act, except that no change shall be made in the salary of an elected officer or head of a department during his tenure of office. Salaries need not be uniform throughout the several boroughs, but may, in the discretion of the board of estimate and apportionment, be made to consist of two elements: First, remuneration for work done, which shall be the same throughout all the boroughs for positions of like character; second, an additional sum based upon an estimate of the prevailing rentals and expenses of living in the borough where the services rendered are performed, and which may vary in the several boroughs. The board of aldermen may reduce, but may not increase, any salary recommended by the board of estimate and apportionment; but the action of the board of aldermen or reducing any salary so recommended shall be subject to the veto power of the mayor, as provided in section forty of this act. In case the board of aldermen shall vote to reduce more than one salary, the mayor may approve the reduction of one or more salaries and may disapprove the reduction of others. In such case the reductions he shall approve shall become effective; and as to those which he shall not approve, the recommendations of the board of estimate and apportionment shall become effective, unless the reductions be again passed by a three-fourths vote of the board of aldermen in the manner provided in section forty of this act. All salaries as fixed on the first day of January, nineteen hundred and two, shall continue in force until fixed by the board of aldermen in this section provided, except as may be otherwise determined by the board of estimate and apportionment prior to the first day of May in the year nineteen hundred and two under the provisions of section ten hereof.—As amended by Laws of 1902, Chapter 435.

Id.; publication of ordinances; codification.

Sec. 57. The ordinances in force in The City of New York shall, as far as practicable be reduced to a code and published. The board of aldermen shall annually appoint a committee whose duty it shall be to compile the general ordinances in force on January first, nineteen hundred and two, so far as the same remain in force, together with all general ordinances thereafter adopted; and the board of aldermen shall cause such general ordinances so compiled to be annually published.

Idem: Commissioners of Deeds; appointments; term; removal from office.

Sec. 58. The board of aldermen is hereby authorized and is empowered to appoint commissioners of deeds from time to time, who shall hold their offices for two years from the date of their appointment; such appointment shall not require the approval of the mayor, and hereafter, at the time of subscribing or filing the oath of office the city clerk shall collect from each person appointed a commissioner of deeds the sum of five dollars, and he shall not administer or file said oath unless said fee has been paid. The city clerk shall appoint an officer, to be known as commissioner of deeds clerk, whose duties shall be to enter the name of commissioners of deeds appointed, in a book kept for that purpose, make out certificates of appointment and to discharge such other duties as the city clerk may designate. Said commissioner of deeds clerk shall receive a salary at the rate of twelve hundred dollars per annum, payable monthly. Any person hereafter appointed to the office of commissioner of deeds in and for the city of New York by the board of aldermen, before entering upon the discharge of the duties of said office and within thirty days after such appointment, shall take and subscribe before the commissioner of deeds clerk, in the office of the city clerk, the following oath of office; that the applicant is a citizen of the United States and of the state of New York, and a resident of the city of New York and the county of (naming the county); that he will support the constitution of the United States and the constitution of the state of New York, and faithfully discharge the duties of the office of commissioner of deeds. Any commissioner of deeds who may remove from the city of New York during his term of office is hereby required to notify the city clerk of such removal, and immediately upon the receipt of such notice of removal the city clerk shall cause the name of such commissioner to be stricken from the roll of commissioners of deeds of said city. Any person appointed to the office of commissioner of deeds under the provisions of this section upon qualifying as above provided may administer oaths and take acknowledgments or proofs of deeds and other instruments in any part of the city of New York. A commissioner of deeds may file his autograph signature and certificate of appointment in the office of any county clerk and in the office of any register in said city; and the city clerk upon the request of any commissioner appointed under the provisions of this act and upon payment of twenty-five cents for each certificate, must make and deliver to said commissioner such number of certificates as said commissioner may require. The said certificates shall be issued under the hand and official seal of the city clerk, showing the appointment and term of office of such commissioner and stating the county in which he resides, which certificates may be field in the offices of the several county clerks and in the offices of the registers in said city, upon payment of twenty-five cents in each office for filing. The clerks of the counties of New York, Kings, Queens, Richmond and Bronx and the registers of the counties of New York, Kings and Bronx, shall each keep a book in which shall be registered the signature of the commissioners so filing such certificates; and the county clerk of any county in said city with whom such commissioner has filed a certificate of appointment shall upon demand and upon payment of the sum of twenty-five cents, authenticate a certificate of acknowledgment or proof or oath taken before such commissioner of deeds, without regard to the county in said city in which said acknowledgment or proof was taken or oath administered, by subjoining or attaching to the original certificate of acknowledgment or proof or oath, a certificate under his hand and official seal specifying that at the time of taking the acknowledgment or proof, the officer taking it was duly authorized to take the same; that the authenticating officer is acquainted with the former's handwriting, or has compared the signature to the original certificate with

that deposited in his office by such officer, and that he verily believes the signature to the original certificate is genuine, and if the original certificate is required to be under seal, he must also certify that he has compared the impression of the seal affixed thereto with the impression of the seal of the officer who took the acknowledgment or proof deposited in his office, and that he verily believes the impression of the seal upon the original certificate to be genuine. Any instrument or paper proved or acknowledged before a commissioner of deeds within the city of New York and certified as hereinbefore provided, by the clerk of any county within said city with whom such commissioner has filed his autograph signature and certificate of appointment, shall be recorded and read in evidence in any county in this state without further proof; provided, however, that a county clerk's certificate of authentication shall not be necessary to entitle any deed or other instrument or paper so proved or acknowledged to be recorded in any office where such commissioner has filed his autograph signature and certificate of appointment or to be read in evidence in any county in which such commissioner has filed with the county clerk his autograph signature and certificate of appointment, as herein provided. A commissioner of deeds must affix to each instrument acknowledged or proved, in addition to his signature, the date when his term expires and his official numbers, as given to him by the clerks of the counties with whom he has filed his certificate of appointment; and if the instrument is to be recorded in the office of a register in the city of New York with whom such commissioner has filed his certificate, and received an official number from such register, he must also affix that number to said instrument. The term of office of every commissioner of deeds who, on the first day of May, eighteen hundred and ninety-eight, shall be holding over after a term of two years, shall then cease. The mayor of the city of New York may remove any commissioner of deeds appointed under the provisions of this section for cause shown; but no such commissioner shall be removed until charges have been duly made against him to the said mayor and the said commissioner shall have had an opportunity to answer the same. At any proceedings held before the said mayor for the removal of such commissioner of deeds, the said mayor shall have power to subpoena witnesses and to compel the attendance of the same, and to administer oaths, and to compel the production of books and papers, and upon the termination of such proceedings, shall make his decision thereon in writing, and cause the same to be filed in the office of the city clerk of the city of New York. In case the said commissioner shall be removed from office, the said city clerk shall immediately upon the receipt by him of the order of removal signed by the mayor, cause the name of the said commissioner so removed to be stricken from the roll of commissioners of deeds of said city. No person who has been removed from office as a commissioner of deeds for the city of New York, as hereinbefore provided, shall thereafter be eligible again to be appointed as such commissioner, nor shall he be eligible thereafter for appointment to the office of notary public. Any person who has been removed from office as aforesaid, who shall, after knowledge of such removal, sign or execute any instrument as a commissioner of deeds or notary public, shall be deemed guilty of a misdemeanor. In case of the removal for cause, or removal from the city or resignation of a commissioner of deeds, the city clerk shall immediately notify each county clerk and register, if any, of each county wholly included in the city of New York of such removal or resignation.—As amended by Laws of 1916, Chap. 190.

Board of aldermen; trustees of public property.

Sec. 59. The board of aldermen and the several members thereof and all officers and employes of the city are hereby declared trustees of the property, funds and effects of said city respectively, so far as such property, funds and effects are or may be committed to their management or control, and every person residing in said city, when authorized to pay taxes therein, and who shall pay taxes therein is hereby declared to be a cestui que trust in respect to the said property, funds and effects, respectively; and any co-trustees, or any cestui que trust, shall be entitled, as against said trustees, and in regard to said property, funds and effects, to all rights and privileges provided by law for any co-trustee of cestui que trust to prosecute and maintain any action to prevent waste and injury to any property, funds and estate held in trust. Such trustees are hereby made subject to all the duties and responsibilities imposed by law on trustees, and such duties and responsibilities may be enforced by the city or by any co-trustee or cestui que trust aforesaid.

Board of aldermen; violations of law by members of.

Sec. 60. Any member of the board of aldermen who shall knowingly and wilfully disregard any provision of law applicable to the members of said board of aldermen, or who shall vote for any contract in violation of law or any appropriation unauthorized by law or in excess of the amount authorized by law, or for any illegal or injurious disposition of corporate property, rights or franchises, shall be guilty of a misdemeanor and liable to the punishment and penalties prescribed therefor; and every member voting in favor thereof shall be individually liable to refund the amount to the city at the suit of any citizen and taxpayer.

Board of aldermen; further power.

Sec. 61. The board of aldermen is authorized and empowered, on the application, in writing, of the head of the fire department, to grant the said department location for apparatus houses for said department on any of the public property, streets or slips; provided that the said houses are so located and constructed that in the judgment of said board they will not disfigure or mar the appearance of the public property, streets or slips, nor interfere with the purpose of travel or public recreation, and which if placed upon any street, avenue or slip, shall not reduce the width of the same between the curbs for the purpose of travel at the place of such location to less than thirty feet on each side of said building.

CHAPTER 3.

FRANCHISES AND GRANTS OF LAND UNDER WATER.

Title 1. Franchises.
Title 2. Grants of land under water.

TITLE 1.

FRANCHISES.

Inalienable rights of the city to its properties.

Sec. 71. The rights of the city in and to its water front, ferries, wharf property, land under water, public landings, wharves, docks, streets, avenues, parks and all other public places are hereby declared to be inalienable.

Franchises to be granted by Board of Aldermen or Board of Estimate and Apportionment.

Sec. 72. Every grant of or relating to a franchise of any character to any person or corporation must, unless otherwise provided in this act, be by ordinance of the board of aldermen or by resolution of the board of estimate and apportionment or a contract executed by or under the authority of the said board of estimate and apportionment, provided that every such ordinance, resolution or contract shall be subject to the provisions of this act with respect to approval by the mayor. But this section shall not apply to any franchise, right or contract authorized by the board of rapid transit railroad commissioners of The City of New York.—As amended by Laws 1905, Chapter 629.

Limitations and conditions to grants of franchises.

Sec. 73. After the approval of this act no franchise or right to use the streets, avenues, waters, rivers, parkways, or highways of the city shall be granted by any board or officer of The City of New York under the authority of this act to any person or corporation for a longer period than twenty-five years, except as herein provided, but such grant may, at the option of the city, provide for giving to the grantee the right on a fair revaluation or revaluations to renewals not exceeding in the aggregate twenty-five years. Nothing in the foregoing provisions of this section contained shall apply to consents granted to tunnel railroad corporations, nor shall anything in this section or in this title contained apply to grants made pursuant to the rapid transit act, chapter four of the laws of eighteen hundred and ninety-one or the acts amendatory thereof. The board of estimate and apportionment is hereby authorized, in its discretion, to grant a franchise or right to any railroad corporation to use any of said streets, avenues, waters, rivers, parkways or highways in the City of New York for the construction and operation of a tunnel railroad underneath the surface thereof for any period not exceeding fifty years, and any such grant may at the option of the city provide for giving to the grantee the right, on a fair revaluation or revaluations, to renewals not exceeding in the aggregate twenty-five years, provided, however, that any grant to construct a tunnel railroad or renewal thereof, shall only be made after agreement has been entered into by such a tunnel corporation to pay to The City of New York at least three per centum, of the net profits derived from the use of any tunnel which it shall construct, after there shall have first been retained by such company from such net profits a sum equal to five per centum upon the sum expended to construct such tunnel. At the termination of any franchise or right granted by the board of estimate and apportionment all the rights or property of the grantee in the streets, avenues, waters, rivers, parkways and highways shall cease without compensation. Every such grant of a franchise and every contract made by the city in pursuance thereof may provide that upon the termination of the franchise or right granted by the board of estimate and apportionment the plant of the grantee with its appurtenances, shall thereupon be and become the property of the city without further or other compensation to the grantee; or such grant and contract may provide that upon such termination there shall be a fair valuation of the plant which shall be and become the property of the city on the termination of the contract on paying the grantee such valuation. If by virtue or contract the plant is to become the city's without money payment therefor, the city shall have the option either to take and operate the said property on its own account, or to lease the same for a term not exceeding twenty years. If the original grant shall provide that the city shall make payment for the plant and property, such payment shall be at a fair valuation of the same or property, excluding any

valuo derived from the franchise; and if the city shall make payment for such plant it shall in that event have the option either to operate the plant and property on its own account or to lease the said plant and property and the right to the use of streets and public places in connection therewith for limited periods, in the same or similar manner as it leases the ferries and docks. Every grant shall make adequate provision by way of forfeiture of the grant, or otherwise, to secure efficiency of public service at reasonable rates and the maintenance of the property in good condition throughout the full term of the grant. The grant or contract shall also specify the mode of determining the valuation and revaluations therein provided for.—As amended by Laws 1905, Chapter 629.

Proceedings prior to grant of franchise.

Sec. 74. Before any grant of a franchise or right to use any street, avenue, waterway, parkway, park, bridge, dock, wharf, highway or public ground or water within or belonging to the city shall be made by the board of estimate and apportionment, a public hearing shall be held upon the petition therefor, at which citizens shall be entitled to appear and be heard. No such hearing shall be held, however, until notice thereof, and the petition in full shall have been published at least ten days in the City Record, and at least twice, at the expense of the petitioner, in two daily newspapers published in the city, to be designated by the mayor. The board of estimate and apportionment shall make inquiry as to the money value of the franchise or right proposed to be granted and the adequacy of the compensation proposed to be paid therefor, and shall embody the result of such inquiry in a form of contract, with all the terms and conditions, including the provisions as to rates, fares and charges. Such proposed contract, together with the form of resolution or resolutions for the granting of the same shall, but not until after the hearing upon the petition, be entered on the minutes of the board of estimate and apportionment, and such board shall, not less than twenty-seven days after such entry and before authorizing such contract or adopting any such resolution, hold a public hearing thereon at which citizens shall be entitled to appear and be heard. No such hearing shall be held until after notice thereof, and the proposed contract and proposed resolution of consent thereto, in full, shall have been published for at least fifteen days, except Sundays and legal holidays, immediately prior thereto in the City Record, nor until a notice of such hearing, together with the place where copies of the proposed contract and resolution of consent thereto may be obtained by all those interested therein, shall have been published at least twice at the expense of the proposed grantee in the two daily newspapers in which the petition and notice of hearing thereof shall have been published. Every contract or resolution containing or making such grant, shall require the concurrence of members of the board of estimate and apportionment, entitled, as provided by law, to three-fourths of the total number of votes, to which all the members of the said board shall be entitled, and the votes shall be shown by the ayes and noes, as recorded in the minutes of the board. The separate and additional approval of the mayor shall be necessary to the validity of every such contract or resolution.

This act shall apply to any renewal or extension of the grant or leasing of the property to the same grantee, or to others. Within five days after the final execution of any contract made pursuant to any such resolution or any such authorization, a copy of such contract, together with such resolution, duly attested by the secretary of the board of estimate and apportionment, shall be transmitted to each of the following: The comptroller, the corporation counsel, the city clerk and the public service commission for the district having jurisdiction, to be preserved by them in the archives of their departments or offices. All such certified copies shall be deemed to be public records.—As amended by Laws of 1914, chap. 467.

Board of aldermen to pass further ordinances.

Sec. 75. The board of aldermen may, from time to time, with respect to any grant which that board shall, under the authority of this act, have the exclusive power to make, pass appropriate ordinances, not inconsistent with the constitution and laws of the state, to carry the provisions of this title into effect, but shall not part with the right and duty at all times to exercise in the interest of the public, full municipal superintendence, regulation and control in respect of all matters connected with such grant, and not inconsistent with the terms thereof.—As amended by Laws 1905, Chapter 629.

City may dispose of buildings not required for public use.

Sec. 76. Nothing in this title contained shall prevent the city from disposing of any building or parcel of land no longer needed for public use, provided such disposition shall be approved by the sinking fund commissioners, and shall be at public sale, and be provided for by ordinance.

Acts not applicable to grants under this title.

Sec. 77. Section ninety-three of chapter five hundred and sixty-five of the laws of eighteen hundred and ninety and any acts amendatory thereof or supplemental thereto, shall have application to grants made under and pursuant to this title.

TITLE 2.

GRANTS OF LANDS UNDER WATER.

Grants of lands and franchises to city in aid of commerce.

Sec. 83. To the end that The City of New York, as herein constituted, may be enabled to make needful provisions for the navigation, intercourse and commerce of the city and adequately to develop and secure the same now and in the future, the said city shall have the control as herein and in this act provided, of the water front of the entire city, subject, however, to the rights of private owners of property, and also power to establish, construct, acquire, own, maintain and enjoy all ferries, public wharves, docks, piers, bulkheads, basins, slips, streets, approaches and spaces, and all other public structures, adjuncts and facilities necessary or proper for the navigation, intercourse and commerce, foreign and domestic, of the city. To these ends, in addition to all other grants, there is hereby granted in fee to the said City of New York, as herein constituted, in all the public streams, rivers, sounds, bays and waters of all descriptions at any and all places within said city or adjoining the limits of said city as herein constituted, all and singular the property, estate, right, title and interest of the people of the state of New York, in, to, of, and concerning such lands and soil covered by water, as are embraced within the projected boundary lines of any street intersecting the shore line, and which street is in public use or which may be hereafter opened for public use extending from high-water mark out into said streams, rivers, sounds, bays and waters so far (any limits in existing grants to the contrary) as the said city shall now or at any time hereafter in the opinion of its board of aldermen or department of docks and ferries require the same for ferries, public wharves, docks, piers, bulkheads, basins, slips or other public structures, adjuncts and facilities for navigation and commerce, including the right for such purposes to reclaim such lands from said waters, and including also all riparian rights and all rents, issues and profits of the premises herein granted. The commissioners of the land office shall from time to time, convey or patent the lands herein granted to the city for said purposes as and whenever required by the board of docks.

Property and franchises inalienable.

Sec. 84. The property, franchises and rights hereby granted and the works and structures hereby authorized are not the subject of sale, but shall be held by the city in perpetuity. But this shall not prevent the city from leasing the same for limited periods of time, in the same manner as it leases other like property.

Private rights protected.

Sec. 85. This grant shall not impair or affect any existing valid private rights, or the existing riparian rights of owners of private property [illegible] lawful rights of private owners of docks, piers and other structures in the said city or any part thereof.

Patenting of lands under water by commissioners of the land office.

Sec. 86. After the approval of this act no patent of soil or land under water within The City of New York, as herein constituted, shall be made except to The City of New York or to the riparian proprietor. If the board of docks, with the approval of the commissioners of the sinking fund, shall project a plan or plans for the construction of docks between street intersections as aforesaid, and desire a grant of land under water for that purpose, they shall make application therefor to the commissioners of the land office, who thereupon shall give notice to the riparian proprietor before taking action in the matter and shall make such grant to the city for the purposes specified in section eighty-three. Such grant, however, shall be subject to all the rights of the riparian proprietor, and before the city shall construct such public wharves or other structures in front of the land of such riparian proprietor, the city shall make just compensation to such proprietor for the value of all the riparian rights. If the commissioners shall make a grant to the riparian proprietor it shall be confined to soil or land under water in front of the land of such riparian proprietor. If application be made to the commissioners of the land office by the riparian proprietor for a grant of soil or land under water within The City of New York, as herein constituted, such commissioners shall give notice thereof to the board of docks of the city, which shall examine into such application and certify to the said commissioners whether in the opinion of the said board the granting of the same will conflict with the rights of the city under this act or be otherwise injurious to the public interests of the said city. The said commissioners may in their discretion insert such terms and conditions in the grant as are recommended by the board of docks and as will protect the public interests of the city in respect to navigation and commerce. The validity of any such grant or patent may be judicially determined in an action brought by and in the name of the city.

Power of board of aldermen.

Sec. 87. The board of aldermen may from time to time pass appropriate ordinances to carry the provisions hereof into effect, not inconsistent with law or this act.

Repealing provision.

Sec. 88. All acts and parts of acts, so far as the same are inconsistent with this chapter, are hereby repealed.

CHAPTER IV.

THE EXECUTIVE.

Mayor; executive power in and election of; salary.

Section 94. The executive power of The City of New York, as constituted by the act, shall be vested in the mayor, the presidents of the several boroughs and the officers of the several departments. The mayor shall be the chief executive officer of the city; he shall be elected at the general election in the year nineteen hundred and five, and every four years thereafter, and shall hold his office for the term of four years commencing on the first day of January after his election. The salary of the mayor shall be fifteen thousand dollars a year.—As amended by Laws 1905, Chapter 633.

Mayor's power of removal.

Sec. 95. The mayor may, whenever in his judgment the public interests shall so require, remove from office any public officer holding office by appointment from a mayor of The City of New York, except members of the board of education, and aqueduct commissioners, trustees of the

College of The City of New York, and trustees of Bellevue and allied hospitals, and except also judicial officers for whose removal other provision is made by the constitution. No public officer shall hold his office for any specific term, except as in this act is otherwise expressly provided.

Administrative departments.

Sec. 96. There shall be the following administrative departments in said city:
Department of finance.
Law department.
Police department.
Department of water supply, gas and electricity.
Department of street cleaning.
Department of plant and structures.
Department of parks.
Department of public charities.
Department of correction.
Fire department.
Department of docks and ferries.
Department of taxes and assessments.
Department of education
Department of health.
Tenement house department.
—As amended by Laws of 1916, Chap. 528.

Department of finance; comptroller.

Sec. 97. The head of the department of finance shall be called the comptroller of The City of New York. He shall be elected at the general election in the year nineteen hundred and five, and every four years thereafter and shall hold his office for the term of four years, commencing on the first day of January, after his election. The comptroller may be removed from office by the governor in the same manner as sheriffs, except that the governor may direct the inquiry required by law, to be conducted by the attorney-general and after charges have been received by the governor, he may, pending the investigation, suspend the comptroller for a period not exceeding thirty days. In case of a vacancy in the office of comptroller, it shall be filled by the mayor, and the person appointed to fill such vacancy shall hold office until the first day of January succeeding the election at which a successor shall be elected. At the next general election at which municipal officers shall be elected, which shall take place more than thirty days after the occurrence of a vacancy in the office of comptroller, a successor shall be chosen who shall hold office for the remainder of the unexpired term.—As amended by Laws 1905, Chapter 633.

Law department; corporation counsel.

Sec 98. The head of the law department shall be called the corporation counsel.

Police department; police commissioner.

Sec. 99. The head of the police department shall be called the police commissioner.

Department of water supply, gas and electricity, street cleaning and plant structures.

Sec. 100. 1. The head of the department of water supply, gas and electricity shall be called the commissioner of water supply, gas and electricity.

2. The head of the department of street cleaning shall be called the commissioner of street cleaning.

3. The head of the department of plant and structures shall be called the commissioner of plant and structures.—As amended by Laws of 1916, Chap. 528.

Department of parks; park board.

Sec. 101. The head of the department of parks shall be called the park board. Said board shall consist of four members who shall be known as commissioners of parks.—As amended by Laws of 1911, chapter 644.

Sec. 102. Repealed by Act of 1901.

Department of public charities; commissioner of public charities.

Sec. 103 The head of the department of public charities shall be called the commissioner of public charities.

Department of correction; commissioner of.

Sec. 104. The head of the department of correction shall be called the commissioner of correction.

Fire department; the fire commissioner.

Sec. 105. The head of the fire department shall be called the fire commissioner.

Department of docks and ferries; board of docks.

Sec. 106. The head of the department of docks and ferries shall be called the commissioner of docks.

Department of taxes and assessments; board of taxes and assessments.

Sec. 107. The head of the department of taxes and assessments shall be called the board of taxes and assessments. Said board shall consist of a president, who shall be so designated in his appointment, and four other members, one of whom at least shall be a person learned in the law, who shall be called commissioner of taxes and assessments.

Department of education.

Sec. 108. The head of the department of education shall be called the board of education and shall consist of forty-six members as hereinafter provided.

Department of health; board of health.

Sec. 109. The head of the department of health shall be called the board of health. Said board shall consist of the commissioner of health, the police commissioner, and the health officer of the port.

Tenement house department.

Sec 110. The head of the tenement house department shall be called the tenement house commissioner. He shall be appointed by the mayor, and shall, unless sooner removed, hold his office for six years, and until his successor shall be appointed and has qualified.

Heads of departments and borough presidents; power to purchase supplies.

Sec. 111. Each head of a department and each president of a borough shall have cognizance and control of the purchase of fuel, furniture, utensils, books and other articles needed for the public offices within his department or jurisdiction. Supplies shall be furnished to heads of bureaus and all subordinate officials only upon the receipt of a written requisition signed by the head of the office in which the same are required.

Schedules of salaries to be presented when requested.

Sec. 112. It shall be the duty of each borough president and the head of each department to present new schedules of salaries for his office or department to the board of estimate and apportionment, whenever requested by said board so to do.

CHAPTER V.

THE MAYOR.

Mayor; duties of.

Sec. 115. It shall be the duty of the mayor:

1. To communicate to the board of aldermen, at least once in each year, a general statement of the finances, government and improvements of the city.

2. To recommend to the board of aldermen all such measures as he shall deem expedient.

3. To keep himself informed of the doings of the several departments.

4. To be vigilant and active in causing the ordinances of the city, and laws of the state to be executed and enforced, and for that purpose he may call together for consultation and co-operation any or all of the heads of departments.

5. And generally to perform all such duties as may be prescribed for him by this act, the city ordinances and the laws of the state.

Id.: a magistrate.

Sec. 116. The mayor is a magistrate.

Id.; may appoint clerks, etc.

Sec. 117. The mayor may appoint such clerks and subordinates as he may require to aid him in the discharge of his official duties, and shall render to the board of aldermen every three months an account of the expenses and receipts of his office, and therein shall state, in detail, the amounts paid and agreed to be paid by him, for salaries to such clerks and subordinates respectively, and the general nature of their duties, which account and report shall be published in the City Record. The aggregate expenses incurred by him for such purposes shall not exceed, in any one year, the sum appropriated therefor. The mayor may designate by an instrument in writing a clerk or subordinate in his office whose duty it shall be to sign corporate stock or bonds of The City of New York, wherever, under any provision of this act, or other statute the mayor is required to sign such corporate stock or bonds. The signature of the person so designated shall be in place of, and of the same force and effect, as the signature of the mayor. Such designations shall be made in duplicate and shall be duly filed and remain of record in the mayor's office and in the department of finance, but the designation shall be for a period not exceeding three months and shall not extend beyond the mayor's term of office, and shall be at all times revocable by the mayor.—As amended by Laws 1905, Chapter 557.

Id.; to appoint heads of departments

Sec. 118. The mayor shall appoint the heads of departments and all commissioners, except as otherwise provided in this act. He shall also appoint all members of any board or commission authorized to superintend the erection or repair of any building belonging to or to be paid for by the city, whether named in any law or appointed by any local authority, and also a commissioner of jurors for the boroughs of Manhattan and the Bronx, inspectors of weights and measures, and as many sealers of weights and measures as may by ordinance be prescribed, and also the members of any other local board and all other officers not elected by the people, whose appointment is not excepted or otherwise provided for. Every head of department and person in this section named shall, subject to the power of removal herein provided, hold his office for such term as is provided by this act, or otherwise, and in each case until a person is duly appointed, and has qualified, in his place.

Sec. 118-a. The mayor may appoint, and at pleasure remove, a director of the port, who shall, under the direction of the mayor, represent him in matters pertaining to the port, harbor and waterfront.—Added by Laws of 1916, Chap. 502.

Id.; to appoint commissioner of accounts.

Sec. 119. The mayor shall appoint and remove at pleasure a commissioner of accounts. Such commissioner shall appoint and remove at pleasure two persons who shall be deputy commissioners of accounts, one of whom shall be a certified public accountant, and who shall perform such duties as the commissioner shall direct. When so designated by the commissioner either of such deputies may preside at any investigation authorized by this section. Such designation may be general in terms but shall not be for a longer period than three months, shall be in writing and filed in the office of the commissioner of accounts, and may be revoked at any time by the written order of the commissioner filed in such office. Either of such deputy commissioners, in the event of sickness, absence from the city of the commissioner, or in case there be a vacancy in the office of the commissioner, may be designated by the mayor with like powers and duties as the commissioner. Such designation may be general in terms but shall not be for a longer period than three months, shall be in writing and filed in the office of the mayor and of the commissioner of accounts, and may be revoked at any time by the written order of the mayor filed in such offices. It shall be the duty of the commissioner of accounts, once in three months, to make an examination of the receipts and disbursements in the offices of the comptroller and chamberlain, in connection with those of all the departments and officers making returns thereto, and report to the mayor a detailed and classified statement of the financial

condition of the city as shown by such examinations. He shall also make such special examinations of the accounts and methods of the departments and offices of the city and of the counties of New York, Richmond, Queens, Kings and Bronx, as the mayor may from time to time direct, and such other examinations as the said commissioner may deem for the best interests of the city, and report to the mayor and the board of aldermen the results thereof. For the purpose of ascertaining facts in connection with these examinations he shall have full power to compel the attendance of witnesses, to administer oaths and to examine such persons as he may deem necessary. Such commissioner and deputies shall each be paid such salary as may be fixed by the board of estimate and apportionment and the board of aldermen pursuant to the provisions of section fifty-six of this act. The board of estimate and apportionment and the board of aldermen shall annually appropriate a sum sufficient to pay the salaries of said commissioner and deputies and in the discretion of said board and the board of aldermen a sum sufficient to enable the commissioner to employ the necessary assistance to carry out the provisions of this section.—As amended by Laws of 1916, Chap. 517.

Id.; proclamation as to holding court in case of pestilence, etc.

Sec. 120. The mayor, or, in case of his absence, or other disability, the president of the board of aldermen, by proclamation, may direct that the next ensuing term of any court, other than the court of appeals, appointed to be held in the city shall be held in any building within the City of New York, other than the building where the same is regularly to be held, if, in his opinion, war, pestilence, or other public calamity, or the danger thereof, or the destruction or injury of the building, or the want of suitable accommodation, renders it necessary that some other place be selected. The proclamation must be published in two or more daily newspapers, published in the City of New York.

Id.; police power as to pawnbrokers.

Sec. 121. The mayor shall possess the power conferred upon the chief, deputy chiefs, inspectors and captains of police by section three hundred and seventeen of this act.

Id.; removal by governor.

Sec. 122. The mayor may be removed from office by the governor in the same manner as sheriffs, except that the governor may direct the inquiry provided by law to be conducted by the attorney-general; and after the charges have been received by the governor, he may, pending the investigation, suspend the mayor for a period not exceeding thirty days.

Municipal civil service; mayor to appoint commissioners.

Sec. 123. The mayor shall appoint three or more suitable persons, not more than two-thirds of whom shall be members of the same political party, who shall, in the manner defined by chapter three of the general laws, commonly known as the civil service law, and subject to and in pursuance of the provisions of that law and of such amendments as may from time to time be made to it, prescribe, amend and enforce rules for the classification of the offices, places and employments in the public service of the city, and for the appointments and promotions therein and examinations therefor, and for the registration and selection of laborers for employment therein. Such persons shall constitute the municipal civil service commission, and, within the amount appropriated therefor, they shall have authority to appoint a secretary, examiners, and such other subordinates as may be necessary. Proper provision shall be made in the annual budget for all the expenses of the municipal civil service commission.

Regulations of municipal civil service.

Sec. 124. All appointments, promotions and changes of status of persons in the public service of The City of New York shall be made in the manner prescribed by the constitution of the state and in accordance with the provisions of chapter three of the general laws, commonly known as the civil service law, and such amendments as may be made thereto, and the provisions of this act.

Authority and duty of commissioners of municipal civil service.

Sec. 125. The municipal civil service commission shall have the power to make investigations concerning all matters touching the enforcement and effect of the provisions of the civil service law, in so far as it applies to The City of New York, and the rules and regulations prescribed thereunder, or concerning the action of any examiner or subordinate of the commission, or of any person in the classified municipal service, in respect to the execution of that act, and in the course of such investigations each commissioner and the secretary shall have the power to administer oaths. The municipal civil service commission shall have the further power to subpena and require the attendance of witnesses, and the production thereby of books and papers pertinent to the investigations and inquiries hereby authorized, and to examine them, and such public records as it shall require in relation to any matter which it is required to investigate. For this purpose the commission shall possess all the power conferred by the code of civil procedure upon a board or committee, and may invoke the power of any court of record in the state to compel the attendance and testifying of witnesses or the production thereby of books and papers as aforesaid.

Warrants for payment of salary of person whose appointment has not been made under civil service law, prohibited.

Sec. 126. Any officer of said city whose duty it is to sign or countersign warrants, shall not draw, sign or issue, or authorize the drawing, signing or issuing of any warrant on the chamberlain or other disbursing officer of the city for the payment of salary to any person in its service whose appointment or retention has not been in accordance with the civil service law and its amendments and of the valid rules in force thereunder.

Veterans in municipal service.

Sec. 127. All veterans either of the army or navy or the volunteer fire departments, now in the service of either of the municipal and public corporations hereby consolidated, who are now entitled by law to serve during good behavior, or who cannot under existing law be removed except for cause, shall be retained in like positions and under the same conditions by the corporation constituted by this act, to serve under such titles and in such way as the head of the appropriate department or the mayor may direct.

CHAPTER VI.

DEPARTMENT OF FINANCE.

Title 1. The comptroller.
Title 2. The bonds and obligations of the city.
Title 3. The chamberlain.
Title 4. The sinking fund.
Title 5. Appropriations and the board of estimate and apportionment.
Title 6. Levying taxes.

TITLE I.

THE COMPTROLLER.

General duties; settlement of claims; assent to certain contracts required; election; salary.

Sec. 149. The department of finance shall have control of the fiscal concerns of the corporation. All accounts rendered to or kept in the other departments shall be subject to the inspection and revision of the officers of this department. It shall prescribe the forms of keeping and rendering all city accounts, and, except as herein otherwise provided, the manner in which all salaries shall be drawn, and the mode by which all creditors, officers and employees of the corporation shall be paid. All payments by or on behalf of the corporation, except as otherwise specially provided, shall be made through the proper disbursing officer of the department of finance, on vouchers to be filed in said department, by means of warrants drawn on the chamberlain by the comptroller, and countersigned by the mayor. The comptroller may require any person presenting for settlement an account or claim for any cause whatever, against the corporation, to be sworn before him or before either of the deputy comptrollers, touching such account or claim, and when so sworn, to answer orally as to any facts relative to the justness of such account or claim. Willful false swearing before the comptroller or deputy comptrollers is perjury and punishable as such. He shall settle and adjust all claims in favor of or against the corporation, and all accounts in which the corporation is concerned as debtor or creditor; but in adjusting and settling such claims, he shall, as far as practicable, be governed by the rules of law and principles of equity which prevail in courts of justice. No claim against the city or against any of the counties contained within its territorial limits, or payable in the first instance from money in the city treasury for services rendered or work done or materials or supplies furnished except (1) claims reduced to judgment, or (2) awards, costs, charges and expenses duly taxed or ordered paid in judicial proceedings, or (3) claims arising under the provisions of contracts made at public letting in the manner provided by section four hundred and nineteen of this act, or (4) claims settled and adjusted by the comptroller, pursuant to the authority of this section, shall be paid unless an auditor of accounts shall certify that the charges therefor are just and reasonable; and, except as hereinbefore otherwise provided, all contracts with the city or any of such counties or with any public officer acting in its or their behalf, shall be subject to such audit and revision by the department of finance. The power hereby given to settle and adjust such claims shall not be construed to authorize the comptroller to dispute the amount of any salary established by or under the authority of any officer or department authorized to establish the same, nor to question the due performance of his duties by such officer, except when necessary to prevent fraud. If in any action at law against the city of New York to recover upon a claim not embraced within the exceptions hereinabove numerically specified, the amount claimed by the plaintiff is in excess of the amount as audited and settled by the department of finance, the plaintiff must establish his claim by competent evidence of value, and no testimony shall be admitted to show a promise or agreement by any officer or employee of the city or of any of the counties contained within its territorial limits, to pay any larger sum than the amount so audited or allowed by the department of finance. The comptroller shall not reduce the rate of interest upon any taxes or assessments below the amount fixed by law. No contract hereafter made, the expense of the execution of which is not by law or ordinance, in whole or in part, to be paid by assessments upon the property benefited, shall be binding or of any force, unless the comptroller shall indorse thereon his certificate that there remains unexpended and unapplied, as herein provided, a balance of the appropriation or fund applicable thereto, sufficient to pay the estimated expense of executing such contract, as certified by the officer making the same, provided, however, that in contracts for the purchase of coal to be delivered within a period of one year from the date thereof, the comptroller shall endorse thereon his certificate that there remains unexpended and unapplied

as herein provided, a balance of the appropriation or fund applicable thereto, sufficient to pay the estimated expense of executing such contract in so far as the same is to be executed during the current year, as certified by the officer making the same and upon the first of the following year the comptroller shall certify as herein provided as to the portion of such contract then unexecuted and such certification by the comptroller shall make any such contract for coal binding and of full force. But this provision shall not apply to work done, or supplies furnished, not involving the expenditure of more than one thousand dollars, unless the same is required by law to be done by contract at public letting. It shall be the duty of the comptroller to make such indorsement upon every such contract so presented to him, if there remains unapplied and unexpended such amount so specified by the officer making the contract, and to thereafter hold and retain such sum to pay the expense incurred until the said contract shall be fully performed. And such indorsement shall be sufficient evidence of such appropriation fund in any action. The comptroller shall furnish to each head of department, monthly, a statement of the unexpended balances of the appropriation for his department. Wages and salaries, except as otherwise provided in this act, may be paid upon payrolls, upon which each person named thereon shall separately receipt for the amount paid to such person, and the comptroller is hereby authorized and empowered, in his discretion to direct and require that wages and salaries shall not be paid except upon such receipt being individually signed by such person. Every official, employee or person who shall sign the receipt upon such payroll as having received the amount therein mentioned in full payment for services rendered by him for the entire time specified in such payroll, shall be deemed to have made an accord and satisfaction of all claims against the city for wages or salary due to such person from The City of New York for the period covered by such payroll, unless at the time of signing such payroll the person receiving such wages or salary shall write legibly thereon in connection with his receipt, that the amount received is received under protest, and unless such protest is so written upon such payroll no recovery shall be had against The City of New York upon any further claim for wages or salaries for the period of time covered by such payroll. In every case of payment upon a payroll the warrant for the aggregate amount of wages and salaries included therein may be made payable to the superintendent, foreman or other officer designated for the purpose. The comptroller shall enter into, upon behalf of The City of New York, any lease authorized by the commissioners of the sinking fund of property leased to the city. The assent of the comptroller shall be necessary to all agreements hereafter entered into by any city officer, board, commission or department for the acquisition by purchase of any real estate or easement therein, when such an agreement involves an obligation to pay or an expenditure of any money on behalf of the city, and in any proceedings that may hereafter be had to acquire real estate or hereditaments for or on behalf of the corporation of The City of New York, before an award shall be confirmed, imposing an obligation upon the city to pay any moneys, the comptroller shall have thirty days' notice in writing, stating before whom and at what time such proceeding will take place; but nothing hereinbefore contained shall affect the board of rapid transit railroad commissioners existing under chapter four of the laws of eighteen hundred and ninety-one as amended. The comptroller of The City of New York shall be elected and hold office as provided in this act, and shall receive an annual salary of fifteen thousand dollars, and shall account to and pay into the city treasury all fees and emoluments to which he may be entitled under the general tax law of the state of New York and all other statutes, whether general or special.—As amended by Laws of 1912, Chapter 398.

Statistical records to be compiled by city officials.

149-a. Every official or employee of the city or of the counties included within The City of New York, and every board or commission charged by law or by due authority with the custody of property of The City of New York or the counties thereof, or with the direction of work done, or services performed by or on behalf of The City of New York or the counties therein, or the disbursement or receipt of moneys from the city or counties therein, and every person, official, board, commission or corporation receiving or disbursing moneys from the city or counties therein for public purposes shall at such times, under such conditions and in the manner directed to do so by the comptroller, furnish reports of facts relating to any or all of said property of The City of New York, or the counties therein, or of said work or said services, or of the receipt or disbursement of said moneys from the city or counties therein, and shall compile and maintain in their respective offices such system of statistical record as the comptroller may require appertaining to all matters referred to in this section.—As added by Laws 1906, Chapter 190.

Comptroller to appoint three deputy and one assistant deputy comptroller.

Sec. 150. The comptroller shall appoint and for cause to be stated in the city record at pleasure remove three deputy comptrollers and an assistant deputy comptroller. The said deputy comptrollers shall, in addition to their other powers, possess any or every power and perform any or every duty belonging to the office of comptroller, whenever the said comptroller shall, by due written authority and during a period of time not extending beyond three months, nor beyond his term of office, and to be specified in such authority, designate and authorize the said deputy comptrollers, or either of them, to possess such powers and perform such duties, and such designation and authority shall be duly filed in and remain of record in the department of finance and in the mayor's office. The said deputy comptrollers shall possess the like authority in case of the disability of the comptroller upon the like designation of the mayor which shall be filed and remain of record as aforesaid; but such authority derived from a designation from the comptroller or the mayor may at any time be terminated in the same manner as it was created. The comptroller may designate and authorize the assistant deputy comptroller, and, when he deems it necessary, any clerk, to sign in his own name and in the place of the comptroller, warrants drawn upon the city chamberlain. A warrant so signed by the assistant deputy comptroller, or by such clerk, duly designated, shall be of the same force and effect as if signed by the comptroller. Such designation or designations of the assistant deputy comptroller and such clerk shall be in writing signed by the comptroller and in duplicate and shall be duly filed and remain of record in the department of finance and in the mayor's office. The period for which each of said designations shall continue in force shall be specified therein and shall not be longer than three months nor extend beyond the term of office of the comptroller and may be terminated by the comptroller at any time by the filing in the department of finance and in the mayor's office of a notice of such termination signed by the comptroller. —As amended by Laws of 1914, Chapter 8.

Bureaus of the department of finance.

Sec. 151. There shall be six bureaus in this department:

1. A bureau for the collection of revenue accruing from rents and interests on bonds and mortgages, and revenue arising from the use or sale of property belonging to or managed by the city, and the management of the markets, the stalls or stands in which shall be rented on permits, to be issued by the comptroller, all of such permits heretofore or to be hereafter issued to be revocable by the comptroller for good and sufficient cause, and not otherwise, which shall be known as the bureau for the collection of city revenue and of markets. The chief officer of such bureau shall be called the collector of city revenue and the superintendent of markets. It shall be lawful for such bureau, under the direction of the comptroller, to collect rental for the temporary use and occupation of property acquired by the city for public purposes between the time of the acquisition thereof and the time when the same can be actually utilized for the purposes for which it was acquired, and of property which, having been originally acquired for public purposes, has ceased to be used for such purposes.

2. A bureau for the collection of taxes, the chief officer of which shall be called the receiver of taxes. He shall receive a salary at the rate of five thousand dollars per annum.

3. A bureau for the collection of assessments, and of such taxes, assessments and water rents as are in arrears, the chief officer of which shall be called the collector of assessments and arrears. He shall receive a salary at the rate of four thousand dollars per annum.

4. A bureau of audit, which, under the supervision of the comptroller shall audit, revise and settle all accounts in which the city is concerned, as debtor or creditor, the chief officer whereof shall be called chief auditor of accounts. The said bureau of audit shall keep an account of each claim for and against the corporation, and of the sums allowed upon each, and certify the same to the comptroller, with the reasons for the allowance. The chief auditor of accounts may have such auditors of accounts, clerks and assistants, examiners, engineers, inspectors and employees as the comptroller may deem necessary and proper, to be appointed by the comptroller.—As amended by Laws of 1916, Chap. 94.

5. A bureau for the reception and safe keeping of all moneys paid into the treasury of the city, and for the payment of money on warrants drawn by the comptroller and countersigned by the mayor, the chief officer of which shall be called the chamberlain.

6. A bureau of municipal investigation and statistics, the chief officer of which shall be called the supervising statistician and examiner, appointed by the comptroller and including as many expert accountants, examiners of accounts and other employees as the comptroller may deem necessary for the work thereof. Said bureau, under the direction of the comptroller, shall determine the scope of and the form in which statistical information shall be compiled and furnished under section one hundred and forty-nine-a of the charter, and shall compile and collate all such facts and statistics and make report to the comptroller concerning the same at least once annually and oftener, if required by the comptroller, which reports shall be published in the City Record. Said bureau shall be the custodian of and shall conveniently locate for reference all records of the municipalities or corporations consolidated under the provisions of this act, and of the municipalities or corpora-

tions consolidated with or annexed to any of the component parts of the Greater New York previous to January first, eighteen hundred and ninety-eight, and of all boards or commissions in control of or directing work paid for out of moneys of the City of New York or of any of its component parts heretofore existing as municipalities or corporations, where such boards or commissions have been or may be abolished or terminated (except as provided by chapter five hundred and ninety-one of the laws of eighteen hundred and ninety-nine and chapter one hundred and seventy-one of the laws of nineteen hundred and four) provided that no book or record shall be removed from the custody of any other department, bureau or office of the city or of the counties therein, or from the office of any board or commission, while such book or record is of use to said department, bureau, office, board or commission in the performance of official duty. All books, records and reports in the custody of said bureau, and all reports made by said bureau to the comptroller (except reports upon investigations of criminal acts, or reports upon investigations to aid in the defense of actions at law brought against the city, before such acts or actions have been reviewed by the courts), shall be accessible to the public under proper regulations for the protection of the same from loss or defacement, and certified copies thereof shall be furnished to applicants upon the payment of fees as now provided by law.—As amended by Laws 1906, Chapter 190.

7. A bureau of accountancy, the chief officer whereof shall be called chief accountant. The said bureau shall include a central accounting division, and shall, under the direction of the comptroller, determine the form of the accounts in the department of finance, and shall also direct the accounting procedure therein in accordance with the requirements of the charter.

8. A bureau of law and adjustment, the head of which shall be known as chief of the bureau of law and adjustment. The said bureau shall investigate and report to the comptroller for adjustment all awards made in any proceeding, and all disputed claims for or against the city of New York, and shall perform such other duties as may be assigned to it by the comptroller. It shall also investigate complaints alleging violation of the labor law and report thereon to the comptroller.—Added by Laws of 1916, Chap. 529.

Appointment and bond of receiver of taxes and collector of assessments and arrears.

Sec. 152. The comptroller shall appoint the receiver of taxes and the collector of assessments and arrears. The receiver of taxes and the collector of assessments and arrears, before entering upon the duties of their offices, shall each enter into a bond to the city of New York, to be approved by the chamberlain and comptroller in the penal sum of twenty-five thousand dollars, which bond shall be conditioned for the faithful performance of the duties of the office by the officer giving such bond. Every such bond shall be a lien on all the real estate held jointly and severally by the said receiver or the said collector executing the same, as the case may be, or any surety thereto, within any of the counties embraced in the city of New York at the time of the filing thereof, unless there be named and described in or on any such bond, real estate in one or more of such counties equal in value to the amount of said bond and owned by a surety, in which case the said bond shall be a lien on such real estate so described and upon all the real estate of the said receiver or collector, as the case may be, and no other, and shall continue to be such lien until the condition, together with all costs and charges which may accrue by the prosecution thereof shall be fully satisfied, or until such lien be released as hereinafter provided, not to exceed, however, the period of ten years after the time when the officer who has given such bond shall have ceased to hold his office, unless an action thereon has been commenced and shall then be pending.—As amended by Laws of 1916, Chap. 191.

Renewal of bond.

Sec. 153. If at any time during the continuance in office of the said receiver of taxes or of any of the deputy receivers of taxes or of the collector of assessments and arrears or of any of the deputy collectors of assessments and arrears the comptroller shall deem any surety of them or either of them to be insufficient, he may require the said receiver or any deputy receiver, or collector or any deputy collector to enter into a new bond to be approved in like manner as herein prescribed, within such time as said comptroller may direct, not being less than ten days after requiring such new bond to be given; and in case of the neglect or refusal of any such officer to furnish such bond within the time so directed, the comptroller may declare his office vacant.

Accounts of receiver and collector and their deputies to be examined.

Sec. 154. Whenever a receiver of taxes or any deputy receiver or a collector of assessments and arrears or any deputy collector shall cease to hold office, and within one year thereafter, it shall be the duty of the comptroller to examine the accounts of such receiver or collector or deputy, and if found correct to cause a certificate to that effect to be filed with the bond of such officer, and such certificate so filed shall be a full discharge and satisfaction of the conditions of such bond and the lien or liens thereby created. And if at any time during his continuance in office any such receiver, collector, or deputy receiver, or deputy collector shall execute and file with the comptroller a new bond in the same form and penalty, and for the same period, and approved as provided in section one hundred and fifty-two, it shall be the duty of the comptroller forthwith to cause a certificate to that effect to be filed with the bond or bonds previously filed by such officer, and such certificate so filed shall be the full discharge and satisfaction of the condition of such prior bond or bonds and of the lien or liens thereby created. The comptroller may settle and adjust all claims in favor of or against the corporation, the surety or the principal in the said bond, arising out of the execution of the said bonds, and in his discretion may release from the lien created by such bonds any piece or parcel of land affected thereby.—As amended by Laws of 1916, Chap. 191.

Receiver of taxes and collector of assessments and arrears; where to keep offices.

Sec. 155. The receiver of taxes and the collector of assessments and arrears shall each have his chief office in the borough of Manhattan at such places as shall be, from time to time, by ordinance of the board of aldermen designated for that purpose. Each of them shall also have an office in the borough of Brooklyn, in the borough of The Bronx, in the borough of Queens and in the borough of Richmond, at such places in said boroughs as shall be designated by the comptroller.

Receiver of taxes and collector of assessments and arrears may appoint deputies.

Sec. 156. The receiver of taxes and the collector of assessments and arrears may each appoint the requisite number of deputy tax receivers and of deputy collectors of assessments and arrears respectively. Each of them shall take from each deputy so appointed by him a bond, in such penal sum and with such sureties as may be approved by him and by the comptroller and chamberlain, which bond shall run to the receiver or the collector, as the case may be, The City of New York and to whom it may concern, and shall be conditioned for the faithful performance of the duties of such deputy. The receiver of taxes, and his sureties shall be liable for the acts and defaults of the deputy receivers so appointed and the collector of assessments and arrears, and his sureties, shall be liable for the acts and defaults of the deputy collectors. Each bond taken in pursuance of the provisions of this section shall be filed with the comptroller. Each deputy receiver of taxes shall have all the powers and be subject to all the duties of the receiver of taxes in respect to the collection and receipt of taxes, and each deputy collector of assessments and arrears shall have all the powers and be subject to all the duties of the collector of assessments and arrears in respect to the collection of assessments and arrears.

Where taxes, assessments and arrears are due and payable.

Sec. 157. Taxes, assessments and arrears due upon property within the borough of Manhattan shall be payable and receivable at the main offices of the receiver of taxes and of the collector of assessments and arrears, respectively, in said borough. Taxes, assessments and arrears due upon property situated in every other borough shall be payable at the offices of said receiver of taxes or collector of assessments and arrears, respectively, in the borough in which said property is situated.

Bond of receiver and collector to be filed.

Sec. 158. The bonds given by the receiver of taxes and the collector of assessments and arrears as hereinbefore provided shall be filed and remain in the office of the comptroller, and true copies thereof, certified by the comptroller, shall be filed in the office of the clerk of each of the counties embraced within The City of New York and shall be public records. In case a certificate of the adjustment of the accounts of any receiver or collector be made, as hereinbefore provided, a true copy thereof, certified by the comptroller, shall be filed in each of the offices in which a copy of the bond of said receiver or collector shall have been filed.

Assessment lists to be filed.

Sec. 159. There shall be kept in the office of the collector of assessments and arrears a full and complete record, in detail, of all lists of assessments confirmed, whether by the supreme court or the board of revision or the board of assessors, with the date of confirmation and the date of entry under such record, which record shall be open to inspection during office hours, and the same shall be received as presumptive evidence of the facts therein contained. An assessment shall become a lien upon the real estate affected thereby ten days after its entry in the said record. If any such assessment list affects property situated in any borough, other than the borough of Manhattan, a copy of such list shall forthwith be transmitted to and filed in the office of the collector of assessments and arrears in the borough in which is situated the property so affected.

Comptroller to appoint clerks and assistants.

Sec. 160. The comptroller shall appoint as many clerks and assistants to the receiver of taxes and the collector of assessments and arrears as may be necessary, and shall designate the boroughs in which they shall respectively perform their duties.

Publication of financial statement.

Sec. 161. It shall be the duty of the comptroller to publish in the City Record within two months after the close of each calendar year, a full and detailed statement of the receipts and the expenditures of the corporation during the preceding year and the cash balance or surplus; and in every such statement the different sources of city revenue, and the amount received from each, the several appropria-

tions made the objects for which the same were made, and the amount of moneys expended under each, the money borrowed on the credit of the corporation, the authority under which each loan was made, and the terms on which the same was obtained, shall be clearly and particularly specified.

Application of certain moneys.

Sec. 162. It shall be lawful for the comptroller to apply the moneys accruing for interest on the sales of lands in said city for unpaid taxes, assessments and water rents, or so much thereof as shall be required, to the account or fund designated "lands purchased for taxes and assessments," such moneys to be used for purchases by the corporation at such sales. For the purpose of adjusting the reductions heretofore or hereafter made in the amount of taxes receivable by reason of the operation of the provisions of the tax law providing for the deduction from special franchise taxes of payments made in the nature of a tax it shall also be lawful for the comptroller to transfer at any time, and from time to time, from the moneys in the general fund of the city to the credit of the appropriate account or accounts, a sum or sums equivalent to but not exceeding such deductions. [As amended by Laws of 1913, chap. 31.]

Dedication of certain lands for markets.

(See Code of Ordinances Library.)

Sec. 163. Any farmer or market gardener, desiring to use the market in the borough of Brooklyn known as the Wallabout farmers' market may present to the department of finance an affidavit, stating his name, residence, occupation and a general description of the commodities which he desires to sell in such market, together with a request that a license be issued to him to use the same. On the filing of such affidavit and the payment of a nominal fee sufficient to defray the cost of issuing said license the department of finance, if satisfied that such applicant is a proper person, shall issue to him a license to use such market for a period not to exceed one year. Such licenses shall be numbered, and registered in the department of finance, and the department of finance shall issue to such licensee a metallic tag or plate, with the number of such license thereon. Such tag or plate shall be of convenient form and suitable design, approved by the department of finance. No person shall be permitted to use such market except he be a holder of one of said licenses, and while using such market shall at all times cause to be conspicuously displayed the tag or plate containing the number of his license. The department of finance shall have sole charge and control of such public market place and of the wagons employed in the business of selling farm and garden produce in said city, and shall have power to make suitable regulations concerning fees, the hours during which the said business shall be conducted, and the general management of the same.—As amended by Laws of 1912, Chapter 595.

Comptroller's powers in Wallabout market.

(See Code of Ordinances Library.)

Sec. 164. The department of finance of The City of New York shall have sole charge and control of the Wallabout Market lands in the borough of Brooklyn and of the wagons employed in the business of selling farm and garden produce in and about said Wallabout Market, and shall have power to make suitable regulations concerning fees, the hours during which the said business shall be conducted and the general management of the same. The portion of the said market commonly known as farmers' square shall be kept for the exclusive use of farmers and market gardeners. The comptroller shall have and be vested with all the powers exercised by the commissioner of city works of the former City of Brooklyn, and shall have the sole power to lease any portion of the said market lands and renew existing leases on such terms and at such rentals as may be agreed upon between him and the lessees or holders, subject to the following provisions as to the rate of rent: In case the amount of rent for any renewal term of any lease be not agreed upon as aforesaid by the first day of January preceding the expiration of the previous term, the same shall, if either the comptroller or the lessee or holder shall so elect, be fixed as now provided by law except that the rent may, in the discretion of the comptroller, be reduced. The rents for such renewal terms, whether agreed upon as above provided, or fixed as now provided by law, shall not be less than an amount equal to two-thirds of the rent of the preceding term, nor exceed an amount equal to the rent of the preceding term and one-third thereof in addition thereto. The comptroller may at any time, with the consent of the lessee or holder, vary or modify any of the provisions of any lease of such lands. The comptroller may also adjust and settle any claims and controversies in regard to rents and other matters that appertain to any lease both those which have heretofore arisen and any of which may hereafter arise during either the original term or any renewal or extension thereof as in his opinion justice may require. Renewals of existing leases shall be made according to the provisions thereof, unless within thirty days after the passage of this amendment, written notice be given to the said comptroller by the lessee or holder of his election that the said lease and renewals thereof be subject to the provisions of this section. The comptroller may in his discretion allow such notice to be given after the expiration of such thirty days, but nothing herein contained shall interfere with the jurisdiction of the department of docks and ferries of The City of New York over the piers, bulkheads and water front in and around said Wallabout Market lands, nor with the jurisdiction of the president of the borough of Brooklyn over said Wallabout Market lands, so far as concerns his powers over highways. On and after the thirtieth day of April, nineteen hundred and four, distilled and rectified spirits, wine and fermented and malt liquors, shall not be sold or offered for sale in Wallabout Market lands; and all leases of any portion of such lands, granted under the provisions of this section, shall contain a provision restricting and prohibiting the sale or offering for sale of and such spirits, wine and fermented and malt liquors on any lands leased thereby, and on and after the passage of this act, the state commissioner of excise shall not issue or renew any certificate permitting or authorizing the sale of distilled or rectified spirits, wine and fermented and malt liquors within the limits of said Wallabout Market lands or in any portion thereof.—As amended by Laws of 1903, Chapter 514.

Finance department; records; copies when in evidence.

Sec. 165. A copy of any paper, record, book, document or map, filed in the finance department, or the minutes, records or proceedings, or any portion thereof, of any board or commission of which the comptroller is or may become a member, when certified by the comptroller, a deputy comptroller or an assistant deputy comptroller, to be a correct copy of the original, shall be admissible in evidence in any trial, investigation, hearing or proceeding in any court, or before any commissioner, board or tribunal, with the same force and effect as the original. Whenever a subpoena is served upon the comptroller or any member of a board or commission of which he is a member, or upon any officer or employe of the finance department, or upon any officer or employe of said boards or commissions, requiring the production upon any trial or hearing of an original paper, document, book, map, record, minutes or proceedings, the comptroller may, in his discretion, furnish a copy certified as herein provided, unless the subpoena be accompanied by an order of the court or other tribunal before which trial or hearing is had requiring the production of such original.

Added by Laws 1905, Chapter 517. It is apparent that this section 165 belongs in Title 1 and is not the same as section 165, which follows it in Title 1-A.

TITLE 1-A.

Authority to recommend retirement.

Sec. 165. Any member of the board of estimate and apportionment is hereby authorized, whenever in his judgment it shall be to the interest of the public service, to recommend to said board the retirement from active service of any officer, clerk or employee who shall have been in the employ of The City of New York or of any of the municipalities, counties or parts thereof which have been incorporated into The City of New York for a period of twenty years if an honorably discharged soldier, sailor or marine, who served as such in the union army or navy during the war of the rebellion and otherwise for a period of thirty years and upward and who shall have become physically or mentally incapacitated for the further performance of the duties of his position. The term of service, however, shall not be affected by any change in title, duty or salary or by any promotion or by any vacation or leave of absence or by any temporary disability by reason of sickness or accident or by any transfer from one department or office to another department or office during the period of service, or by any change of any of the boards, bureaus or departments in which service shall have been performed from an office paid by fees to a salaried office. But this section shall not apply to any person who is, or may be, entitled to share in the police pension fund, or in the fire department relief fund, or in the public school teachers' retirement fund, or in the health department pension fund, or in the retirement fund of the college of The City of New York.—As amended by Laws of 1912, Chapter 479.

Authority of board of estimate to retire employees.

Sec. 166. The board of estimate and apportionment is hereby authorized and empowered to retire from active service any person recommended for retirement as provided by section 165 of this act. Reasonable notice of its proposed action shall be given by said board to any person intended to be retired and an opportunity of making an explanation shall be given to such person. The board shall state its reasons for retiring any such person and that the interests of the public service require such retirement.—As amended by Laws 1911, Chapter 669.

Annuities to retired employees.

Sec. 167. Any person retired from active service pursuant to section 165 and 166 of this act shall be awarded and granted by the board of estimate and apportionment an annual sum or annuity to be fixed by said board not exceeding, however, one-half of the amount which his annual salary or compensation averages for the period of three years immediately prior to the time of his retirement. The comptroller shall pay the annuities granted in monthly installments out of the receipts of excise moneys or liquor taxes belonging to The City of New York as constituted by this act. Such payments to continue during the lifetime of the person or persons so retired.—As amended by Laws 1911, Chapter 669.

Id.; when annuities forfeited.

Sec. 168. Any person who, subsequent to his retirement under the provisions of sections one hundred and sixty-five, one hundred and sixty-six and one hundred and sixty-seven of this act, shall accept any office, position or employment to which any salary or emolument is attached in the civil service in the State of New York, or of any county, or any municipal corporation therein, except the office of inspector or clerk of the election and registry or other temporary office provided for in the election and registry laws of this state, and except the office of notary public and commissioner of deeds shall, during such service or employment and while receiving any salary or emolument therefor relinquish and forfeit the annuity allotted to him upon his retirement.

Added by Laws 1905, Chapter 583; this and Chapter 517 were passed within two days of each other, and there are apparently two sections numbered 165. Chapter 583 also provides:

Sec. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

TITLE 2.

THE BONDS AND OBLIGATIONS OF THE CITY.

Corporate stock and serial bonds of the City of New York; how issued; provisions as to bonded indebtedness.

Sec. 169. All bonds issued by the city of New York, on and after January first, eighteen hundred and ninety-eight, in pursuance of laws already passed or which may hereafter be passed, or in the pursuance of the provisions of this act, excepting assessment bonds, revenue bonds, certificates of indebtedness and other evidences of indebtedness issued pursuant to the provisions of section one hundred and eighty-seven of this act, shall be known as "corporate stock of the city of New York," or as "serial bonds of the city of New York." For the redemption and payment of said corporate stock or of said serial bonds and the interest thereon, the faith and credit of the city of New York shall be and is hereby pledged. Such corporate stock or serial bonds shall be in such form as may be designated by the comptroller, and shall be signed by the said comptroller and the mayor of the city of New York, and sealed with the common seal of the city of New York, and attested by the city clerk. Such corporate stock and serial bonds shall be in coupon form in sums of not less than five hundred dollars each share or bond, or shall be registered, except as hereinafter provided, and shall be conditioned to be paid in gold coin, or in the legal currency of the United States, at the option of the commissioners of the sinking fund, except as hereinafter provided, and shall be made redeemable at a period of not more than fifty years from the date thereof. The commissioners of the sinking fund may, in their discretion, provide that such corporate stock shall be redeemable, before maturity at its face value with accrued interest, at the option of the said commissioners after such date as said commissioners may determine and cause to be set forth in such certificates of corporate stock. Such serial bonds shall be redeemable from appropriations which shall be provided therefor in the budgets of the years when said serial bonds shall mature. Such corporate stock, serial bonds, and all assessment bonds, revenue bonds, certificates of indebtedness and other evidences of indebtedness issued pursuant to the provisions of section one hundred and eighty-seven of this act, as well as all bonds hereafter to be issued by the city of New York, by virtue of this act or of any other act, whether general or special, shall be free and exempt from all taxation, except for state purposes. The interest on such corporate stock and on all of the bonds of the corporation, except revenue bonds, bills or notes, certificates of indebtedness and other evidences of indebtedness issued pursuant to the provisions of sections one hundred and eighty-seven and one hundred and eighty-nine of this act shall be at such a rate as the board of commissioners of the sinking fund may prescribe, and shall be made payable quarterly or semi-annually in the city of New York, or at such other place as may be fixed by the said comptroller, at the time of issue of said stock or bonds; provided, however, that the interest on certificates of indebtedness and other evidences of indebtedness issued pursuant to the provisions of sections one hundred and eighty-seven and one hundred and eighty-nine of this act may be made payable at the date of maturity thereof or at such time or times as the comptroller in his discretion may designate. Such serial bonds may be authorized to be issued by the board of estimate and apportionment to pay the cost of any public improvement, without the concurrence or approval of any other board or public body, and such corporate stock may be authorized in like manner for the following purposes, and within the following limitations:

1. For the purposes specified in section one hundred and seventy of this act;
2. For the purposes specified in section one hundred and seventy-four of this act;
3. For the purposes specified in section one hundred and seventy-six of this act;
4. For the purposes specified in section one hundred and eighty-four of this act;
5. For the purposes specified in section two hundred and thirty-five of this act;
6. For the purposes specified in section four hundred and twenty-two of this act;
7. For the purposes specified in section one hundred and seventy-eight of this act, to an amount not exceeding two million dollars in any one calendar year;
8. To pay the awards, costs, charges and expenses of acquiring title to lands required for public purposes and which have been or may hereafter be authorized by or pursuant to law, and subject to the limitations hereinafter contained;
9. For the repaving of streets to an amount not exceeding three million dollars, in any one calendar year.

Corporate stock to be issued for purposes other than those hereinbefore in this section specifically enumerated, or for such purposes in excess of the amounts therein specified, shall be authorized by the board of aldermen, with the approval of the board of estimate and apportionment, as provided by section forty-seven of this act; provided, however, that wherever by existing provisions of law the commissioners of the sinking fund may be specifically authorized to provide for the issue of stocks or bonds, said authorization of the comptroller shall be made by said commissioners instead of said board of estimate and apportionment; and that nothing in this section contained shall affect the provisions of sections one hundred and eighty and two hundred and thirteen of this act; provided, however, that nothing in this section shall prevent the issue of general fund bonds in the manner provided by section two hundred and twenty-two of this act. The city of New York shall not, except as hereinafter provided, expend any part of the proceeds of sales of corporate stock or serial bonds for the purpose of paying operating expenses of said city as hereinafter defined. The term "operating expenses," as used in this section, includes expenses for maintenance, repairs and current operation or administration of the property and government of the city; and excludes expenditures by the city for betterments, improvements and acquisitions of property of a permanent nature; but expenditures made or incurred by the board of water supply, the aqueduct board, and, prior to January first, nineteen hundred and ten, by the department of docks shall not be considered operating expenses within the meaning of this act.

The city of New York shall not, except as hereinafter provided, expend any part of the proceeds of sales of corporate stock or serial bonds for other than revenue-producing improvements. The term "revenue-producing" as used in this section shall apply to that class of improvements, including among others those for docks, water and rapid transit purposes, the expenditure for which shall, at the time it is authorized, be determined by the board of estimate and apportionment to have a substantial present or prospective earning power. Nothing herein contained, however, shall limit the power of the board of estimate and apportionment to authorize the use of the proceeds of the sale of corporate stock or assessment bonds to replenish the street improvement fund or the fund for street and park openings or for the purpose of meeting the expenses of improvements for which said board has authorized the issue of corporate stock prior to January first, nineteen hundred and sixteen, or meeting the expenses of improvements heretofore authorized to be paid from the proceeds of the sale of corporate stock or serial bonds by special act, nor to limit the power of the board of estimate and apportionment to authorize the use of the proceeds of the sale of corporate stock for other than revenue-producing improvements as follows: That during the year nineteen hundred and sixteen, one-half of the cost of other than revenue-producing improvements shall be paid by the issue of corporate stock maturing serially from one to fifteen years and the remaining half of such cost shall be included in annual tax levies in the manner provided in section one hundred and eighty-nine of this act; and that during the year nineteen hundred and seventeen, one-quarter of the cost of such improvements shall be paid by the issue of corporate stock maturing serially from one to fifteen years, and the remaining three-quarters shall be included in annual tax levies as provided in section one hundred and eighty-nine of this act.

When in the opinion of the comptroller it shall appear desirable to have the whole or any part of an issue of corporate stock or serial bonds made payable in the currency of a country other than the United States, such corporate stock or serial bonds so to be sold shall be made payable in such currency, with certificates in such amounts, and sold in such manner as may be duly authorized by the commissioners of the sinking fund; provided, however, that in case such corporate stock or serial bonds payable in a foreign currency or currencies is not sold in the manner prescribed for the sale of corporate stock or serial bonds under the provisions of section one hundred and eighty-two of this chapter, the comptroller shall invite sealed, competitive tenders for the purchase of such corporate stock or serial bonds in such manner as the commissioners of the sinking fund shall prescribe; and he shall make award or awards to the highest bidder or bidders for such corporate stock or serial bonds with the full power to reject all bids. The proceeds of sales of such corporate stock or serial bonds shall be recorded in the books of the finance department in the terms of the currency of the United States as well as in the terms of such foreign currency in which such corporate stock or serial bonds shall have been issued.—As amended by Laws of 1910, Chap. 615

Issue of Stock or Bonds by the City of New York to Take the Place of Bonds Authorized to be Issued by Laws Enacted Prior to January First, Eighteen Hundred and Ninety-eight.

Sec. 170. Whenever, and to the extent to which, it may be lawful for the municipal or public corporations *of parts thereof, including the counties of Kings and Richmond, which by this act are made part of the corporation of The City of New York, to issue for public purposes bonds pursuant to laws enacted prior to January first, eighteen hundred and ninety-eight, it shall be lawful for The City of New York, as hereby constituted, to issue corporate stock as herein provided for the same purposes; provided, however, that the amount so to be issued shall not in any one case exceed the balance remaining unissued of the amount limited to be issued pursuant to the authority of said laws. In similar instances assessment bonds and certificates of indebtedness and other evidences of indebtedness issued pursuant to the provisions of section one hundred and eighty-seven of this act of The City of New York, as hereby constituted, may likewise *to be so issued, subject to the same limitations as to the amount thereof.—As amended by Chapter 683, Laws 1910.

Bonds to be issued in sums of ten dollars or any multiple thereof.

Sec. 171. Whenever it shall be lawful to issue any bonds of The City of New York, as constituted by this act, the same, when issued in registered form, may be issued in denominations of ten dollars or any multiple thereof. Preference shall, as far as practicable and without pecuniary disadvantage to the said City of New York, be given to applicants for the smallest amounts and smallest denominations of said bonds in issuing the same.

Registration of stocks and bonds.

Sec. 172. All stocks and bonds heretofore lawfully issued by any of the municipal or public corporations or parts thereof, which have heretofore been annexed to or consolidated with the corporation known as the mayor, aldermen and commonalty of The City of New York, or which by this act are made part of the corporation of The City of New York, as hereby constituted, including the counties of Kings and Richmond, for the payment of the principal and interest of which The City of New York is liable, may be registered and must be recorded by the owners thereof in the comptroller's office in said city, and shall be transferable at the pleasure of the holder, either in person or by attorney, only upon the books of the corporation in said office, and subject to such reasonable rules and regulations as the comptroller may prescribe; such registry and transfer to be indorsed thereon by the comptroller. Whenever such stocks or bonds have been issued in coupon form, and whenever hereafter corporate stock of The City of New York may be so issued, it shall be the privilege of the holders thereof at any time, subject to such rules and regulations to convert the same into registered stock or bonds, and the comptroller is hereby authorized to issue registered stock or bonds therefor in the manner and form in which the same would have been conditioned if originally issued in registered form. The interest on all such stocks and bonds when so registered

*So in original

shall, as the same shall become due and payable, be paid in like manner as upon other registered stocks and bonds of The City of New York, and whenever any such stocks or bonds have coupons attached the comptroller shall, upon registration thereof, have authority to detach all coupons therefrom, and shall thereupon indorse the fact of such registratiou, with a reference to this section.

Fund for Street and Park Openings.

Sec. 173. The fund heretofore established and accumulated in the treasury of the corporation knowu as the mayor, aldermen and commonalty of The City of New York, entitled the "fund for street and park openings," shall be continued in the corporation of The City of New York, as hereby constituted. The said fuud for street and park openings shall consist of:

1. Whatever eash halance in said fund may upon January first, eighteen hundred aud ninety-eight, be on deposit in the treasury of the corporation known as the mayor, aldermen and commonalty of The City of New York.

2. Whatever cash balances there may be upon January first, eighteen hundred and niuety-eight, in the treasuries or standing to the credit of the several municipal or public corporations or parts thereof which by this act are made part of the corporation of The City of New York and which said cash balances may be applieable to the payment of damages awarded by the commissioners of estimate and assessment in reports heretofore confirmed or hereafter to be confirmed in proceedings taken to open any street, road, avenue, boulevard, public square or place, park or parkway, or to acquire title to land required for any bridge, tunnel or approach thereto, and all the costs and expenses of such proceedings heretofore or hereafter taxed.

3. Such sums as may be raised by taxation in The City of New York, and the proceeds of such bonds as may be issued as by this act provided to meet the expense, in whole or in part, of any of the objects and purposes in the preceding subdivision of this section specified.

4. All money hereafter collected by The City of New York, as hereby constituted, for or on account of assessments made and confirmed and hereafter to be made and confirmed for opening any street, road, avenue, boulevard, public square or place, park or parkway, or for acquiring title to land required for any bridge, tunnel or approach thereto, wholly or partly within the limits of the several municipal or public corperations or parts thereof, which by this act, are made part of the corporation of The City of New York.

5. All moneys received from the sale of street and park opening assessment bonds or certificates of indebtedness and other evidences of indebtedness issued pursuant to the provisions of section one hundred and eighty-seven of this act issued and sold under authority of section one hundred and seventy-four of this act. All such street and park opening assessment bonds shall when due be paid from the said fund for street and park openings and in case the said fund shall be insufficient for that purpose, it shall be lawful for the comptroller when thereto authorized by the board of estimate and apportionment, without the concurrence or approval of any other board or public body to issue corporate stock of The City of New York for an amount sufficient to pay the street and park opening assessment bonds so falling due, as aforesaid; or the comptroller may, in his discretion, for such purpose, issue street and park opening assessment bonds in the manner provided in section one hundred and seventy-four of this act.—As amended by Chapter 683, Laws of 1910.

Damages, Et Cetera, to Be Paid from Fund for Street and Park Openings.

Sec. 174. From the said fund for street and park openings, and not otherwise, shall be paid all damages awarded by the commissioners of estimate and assessment in reports hereafter or heretofore confirmed in proceedings taken to open any street, road, avenue, boulevard, public square or place, park or parkway, or to acquire title to land required for any bridge, tunnel, or approach thereto in The City of New York, as hereby constituted, and all the costs and expenses of such proceedings heretofore or hereafter taxed. The person or persons to whom awards shall be made in such proceedings, wherein reports are to have been confirmed, and the person or persons in whose favor costs and expenses may he or have been taxed, shall not have an action at law against The City of New York for such awards, costs or expenses, hut may require the officers of said city to raise, as hereafter provided, the money necessary to enable the comptroller to pay such awards, costs and expenses from the said fund, and thereafter compel the payment of such damages, costs and expenses from such fund. Whenever the amount of the damages awarded in any report, together with the costs of the commissioners and the charges and expenses, shall exceed the balance remaining in said fund after deducting all outstanding claims against said balance, the comptroller is authorized to raise by the issue and sale of certificates of indebtedness and other evidences of indebtedness to he redeemed out of the tax levy for the year next succeeding the year of their issue or in his discretion to raise by the issue and sale of street and park opening assessment bonds at not less than par for such periods as he may determine not exceeding ten years and hearing interest at such a rate as the board of commissioners of the sinking fund may prescribe, such amounts as shall be necessary to pay such damage, costs and expenses, but not to exceed the amount of assessments remaining uncollected and a lien upon lands assessed for the benefit of street and park openings added to the amount of the assessments that remain to be imposed in proceedings in which the awards only have been confirmed; provided, however, that in each and every case in which by virtue of any existing statute or any statute hereafter enacted or hy virtue of any act or resolution heretofore or hereafter adopted by any board or body pursuant to any statute, the whole or any portion of the awards made in any proceeding, and of the costs and expenses thereof, are payable out of the fund for street and park openings and are not to be assessed upon the property benefited, but are to be borne and paid by The City of New York, the board of estimate and apportionment may, in its discretion, direct that the amount so to be borne and paid by said City of New York shall be raised by the issue and sale of corporate stock of The City of New York, and the comptroller shall thereupon issue and sell such stock at such times and in such amounts as may be necessary, and shall pay the proceeds thereof into said fund for street and park openings.—As amended by Chapter 683, Laws of 1910.

Replenishment of Said Fund.

Sec. 175. The corporation counsel shall furnish to the board of estimate and apportionment in each year, at the time of making the estimate for the ensuing year, a list of all reports confirmed for the twelve preceding months with a statement of the amount of awards and costs taxed in each proceeding. The comptroller shall at the same time furnish to the said board statements of the amount of such awards and costs already paid, and of the amounts due for awards and costs payable from the said fund and still unpaid, aud of the amounts of revenue bonds, certificates of indebtedness and other evidences of indebtedness issued pursuant to the provisions of section one hundred and eighty-seven of this act then outstanding, issued in pursuance of the last preceding section, and of the halance in the treasury to the credit of the said fund. The board of aldermen and the said board shall thereupon include in the annual budget for the ensuing year a sum sufficient, with such balance, to pay all claims for the awards and costs in all proceedings in which reports shall have been prior to that time confirmed, and which awards shall not then have been paid, and also a sum sufficient to pay and discharge the revenue bonds, certificates of indebtedness and other evidences of indebtedness issued pursuant to the provisions of section one hundred and eighty-seven of this act then outstanding and issued in pursuance of the last preceding section.—As amended by Chapter 683, Laws of 1910.

Payment of assessments imposed upon The City of New York.

Sec. 176. It shall be lawful for the comptroller, when authorized by the board of estimate and apportionment, to apply the whole or any part of the surplus existing, or that which may hereafter arise, in the funds known and designated as the "fund for street and park openings" and the "street improvement fund" toward the liquidation of the then existing indebtedness of the city of New York to the aforesaid funds, and such like funds for local improvements, by reason of the amounts properly chargeable to said city and legally payable to said funds as provided by this act, when said surplus shall be ascertained, and a statement thereof duly certified by the comptroller to the board of estimate and apportionment, and upon the liquidation of the items comprising the city's indebtedness to the aforesaid funds, the comptroller shall mark the city's books and assessment rolls in accordance with such determination of said board. If there be a surplus or surpluses remaining after the full discharge and liquidation of said city's indebtedness to said funds, as herein provided, then such surplus or surpluses so remaining, or any part thereof, shall, with the approval of the board of estimate and apportionment, be transferred to the general fund for the reduction of taxation. It shall be the duty of and lawful for the comptroller when thereto authorized by the board of estimate and apportionment to issue such amounts of the corporate stock of the city of New York as shall be necessary to provide the funds to enable said comptroller to pay any and all assessments and expenses imposed, or that may hereafter be imposed directly or indirectly upon the city of New York, by reason of the laying out, opening, regulating and grading or improving any and all streets, roads, avenues, public parks, squares or places, or the construction of sewers, and out of the proceeds of said stock to pay such assessments and expenses.—As amended by Laws of 1914, chap. 446.

Disposition of moneys received from certain assessments.

Sec. 177. The moneys collected upon the assessments laid by the commissiouers of estimate and assessment, appointed in pursuance of sections six hundred aud seventy to six hundred and seventy-eight inclusive of chapter four hundred and ten of the laws of eighteeu hundred and eighty-two, as amended, shall be applied toward the payment of the fund or stock authorized by section one hundred and forty of chapter four hundred and ten of the laws of eighteen hundred and eighty-two, or to the payment of said awards and expenses, if received before the issue of said fund or stock.

Expense relating to the water supply; how to be met.

Sec. 178. It shall be the duty of the comptroller, and he is hereby authorized and directed when thereto authorized by the board of estimate and apportionment, or when the amount to be issued in any one year exceeds the sum of two million dollars when thereunto authorized by the board of aldermen and the board of estimate and apportionment, on requisition of the commissioner of water supply, to raise, from time to time, on the issue of corporate stock of The City of New York, amounts of money sufficient to pay the sums which may be necessary from time to time to be paid for the acquisition of any real estate, or for the extinguishment of any right, title or interest therein to be acquired or extinguished under the provisions of the laws relating to the supply of water to the city, together with all expenses necessarily incurred in surveying, locating and acquiring title to such real estate, or extinguishing claims, for damages thereto; and also all such sums as, from time to time, may be found nec-

essary for the construction of aqueducts, reservoirs, dams, sluices, canals and appurtenances and for the distribution of water by mains, pipes or other conduits, and all such payments shall be made by the comptroller on the certificate of the commissioner of water supply, gas and electricity.

Bonds for drains.

Sec. 179. It shall be the duty of the comptroller, when thereto authorized by the board of estimate and apportionment, to issue assessment bonds in behalf of The City of New York, to an amount sufficient to raise the sum necessary to pay any damages that may from time to time be awarded to the owners of lands for the right of way required for drains and for the expense of plans and surveys and the fees of commissioners. The proceeds of such bonds shall be paid into the street improvement fund, from which fund payments as aforesaid shall be made, and assessments collected on account thereof shall be paid into said street improvement.*

Expenses of the Department of Docks and Ferries; How Met.

Sec. 180. The comptroller shall, from time to time, when authorized by the board of estimate and apportionment on the recommendation of the commissioners of the sinking fund, issue corporate stock of the city of New York in such amounts as they may deem the public interests to demand, but not exceeding five million dollars in any one calendar year, for the purpose of raising the money necessary to carry out the provisions of title one of chapter sixteen of this act, relating to the department of docks and ferries, its powers and duties. In case the public interests demand the issue of such bonds to an amount exceeding the sum of five million dollars in any one calendar year, the approval and authority of the board of aldermen shall be obtained therefor in the manner provided for by sections forty-seven and forty-eight of this act. The moneys received from sales of such stocks shall be deposited in the treasury of the city and shall be drawn out and paid by the comptroller of said city for the several objects and purposes provided in said title, relating to the said department, its powers and duties, upon the requisition of the board of docks; provided, however, that the commissioners of the sinking fund may specify from time to time in such detail as may seem to them proper the purposes to which the proceeds of the sale of such stocks shall be applied, and it shall thereupon be unlawful for the board of docks to incur any liability or expense in excess of any appropriation thus made. The expenses and compensation of said board, its rents, the compensation of its appointees, the purchase money and damages awarded upon the acquisition of private property, the payments under the contracts authorized in said title and for work performed under the same, and all other expenses and disbursements necessarily incurred, in carrying out the said provisions of said title in keeping, maintaining, repairing, building and rebuilding the wharves belonging to the said corporation, in dredging and cleaning slips, in acquiring on behalf of the city real estate, property, plant or appliances required for the equipment, maintenance or operation of any ferry, or for terminal facilities or approaches thereto, upon the water front of the borough of Richmond or upon the water front of the borough of Brooklyn, between Thirty-eighth street and Sixtieth street, except operating expenses made or incurred after December thirty-first, nineteen hundred and nine, shall be paid out of said moneys in the manner above provided. The limitation upon the annual expenditure in this section shall not apply to expenditure made on account of the equipment, maintenance or operation of any such ferry, or on account of the acquisition of property therefor, but the maximum sum mentioned may be expended annually for the other purposes and in the manner specified in said section. Operating expenses of the department of docks after December thirty-first, nineteen hundred and nine, including the expenses and compensation of the board of docks, rentals payable by it, the compensation of its appointees, the expenses neeessarily incurred in keeping, maintaining and repairing the wharves belonging to the city, in cleaning slips, and in maintenance or operation of any ferry or terminal facilities thereof, shall be considered operating expenses of the city, and the city of New York shall not expend any part of proceeds of sales of corporate stock, for the purpose of paying such operating expenses made or incurred after December thirty-first, nineteen hundred and nine.—As amended by Laws 1909, Chapter 377.

Assessment bonds; provisions governing issue of same.

Sec. 181. It shall be lawful for the comptroller, when authorized by the board of estimate and apportionment to issue assessment bonds, at not less than par, for such periods as said comptroller may determine, not exceeding ten years, and bearing interest at such a rate as the board of commissioners of the sinking fund may prescribe, to provide the means necessary to pay all the expenses incurred or to be incurred on account of regulating and paving streets, building sewers, and all other work ordered to be done by contract, by virtue of ordinances which may be hereafter passed by the board of aldermen of The City of New York, the expense whereof is to be collected by assessment from the property benefited by said work or works, or on account of any local improvement or other public work heretofore made or performed, or that shall hereafter be made or performed under and by virtue of the authority of any law in all cases in which the said expense is to be paid in whole or in part by assessment upon the property benefited. No moneys shall be paid out of the proceeds of said bonds on account of any contract hereinbefore referred to until a copy of said contract has been filed with the comptroller of said city by the president of a borough, the head of the department or board having such work in charge, and also a certificate in writing from the president of a borough, head of such department or board, stating that a payment is due and the amount of such payment. On work contracted for subsequent to May seventh, eighteen hundred and seventy-two, or hereafter contracted for, no interest shall be charged on the monthly or other intermediate payments to any contractor, and fifteen per centum, and no more, shall be reserved from the amount or volume of work specified and certified from time to time to the comptroller of said city, by the proper officer, to have been done by any contractor; and such reserved fifteen per centum shall be paid to such contractor on or before the expiration of thirty days from the completion and acceptance of the work. The fund heretofore created by the corporation known as the mayor, aldermen and commonalty of the city of New York known as the "street improvement fund," shall be continued, and into such fund shall be paid the proceeds of the sale of assessment bonds as by this section authorized, and of such bonds as may by other provisions of law be authorized to be issued for similar purposes within the territory of the city of New York, as hereby constituted, and for the payment of the expense of which the said city may, in the first instance, become liable, as well as the cash balances of assessments already collected, or to be hereafter collected, on account of similar contracts duly entered into by the proper authorities of the several municipal or public corporations, or parts thereof [illegible] the corporation known as the mayor, aldermen and commonalty of the city of New York.—As amended by Laws of 1912, Chapter 492.

Proposals for City Bonds or Stocks; Conditions and Deposit.

Sec. 182. Whenever any bonds or stocks shall be hereafter issued, other than certificates of indebtedness and other evidences of indebtedness issued pursuant to the provisions of sections one hundred and eighty-seven and one hundred and eighty-nine of this act, or other than corporate stock issued in the currency of a foreign country pursuant to the provisions of section one hundred and sixty-nine of this act, or such bonds and stocks as may be purchased for investment by the commissioners of the sinking fund, the comptroller shall invite proposals therefor by public advertisement, for not less than ten days, and shall award the same to the highest bidder or bidders therefor; provided, that no proposal for bonds or stocks shall be accepted for less than the par value of the same; and said proposals shall only be publicly opened by the comptroller, in the presence of the commissioners of the sinking fund, or such of them as shall attend. It shall be a condition of sale of such bonds and stocks, and the advertisement calling for proposals therefor shall so declare, that every bidder may be required to accept a portion of the whole amount therefor bid by him at the same rate or proportional price as may be specified in his bid; and any bid which conflicts with this condition shall be rejected; provided, however, that any bidder offering to purchase all or any part of the bonds offered for sale at a price at par or higher may also offer to purchase all or none of said bonds at a different price, and if the comptroller deems it to be in the interest of the city so to do, he may award the bonds to the bidder offering the highest price for all or none of said bonds; provided, however, that if the comptroller deems it to be in the interest of the city so to do, he may reject all bids. In inviting proposals for serial bonds, the comptroller may advertise to sell, in series, at a single bid price per bond, and may make awards on such basis to the highest bidder or bidders, in the manner herein provided. Every bidder, as a condition precedent to the reception or consideration of his proposal, shall deposit with the comptroller a certified check, drawn to the order of said comptroller upon a trust company or a state bank incorporated and doing business under the laws of the state of New York, or a national bank, or a sum of money; such check or money to accompany the proposal to an amount to be fixed by the comptroller not exceeding two and one-half per centum of the amount of the proposal. Within three days after the decision as to who is or are the highest bidder or bidders, the comptroller shall return all deposits made to the persons making the same except the deposit made by the highest bidder or bidders, and if the said highest bidder or bidders shall refuse or neglect, within five days after service of written notice of the award to him or them, to pay to the city chamberlain, the amount of the stocks or bonds awarded to him or them at their par value, together with the premium thereon, less the amount deposited by him or them, the amount or amounts of deposit thus made shall be forfeited to and retained by said city as liquidated damages for such neglect or refusal, and shall thereafter be paid into the sinking fund of the city of New York, for the redemption of the city debt. If at any time a portion of the bonds and stock which are offered at public sale in conformity with the provisions of this section shall fail to be sold, the comptroller is hereby authorized to sell at private sale, for not less than the par value thereof, the said portion of said bonds and stock which failed to be sold. (As amended by Chap. 308, Laws of 1915.)

Expenses of restoring street pavements, how met.

Sec. 183. The moneys which the comptroller is authorized to pay pursuant to the provisions of section three hundred and ninety-one of this act shall be obtained by him from time to time as may be necessary, by the sale of assessment bonds as provided by section one hundred and eighty-one of this act. The money collected pursuant to the provisions of said section three hundred and ninety-one shall be set apart, when collected, as a trust fund, and applied to the redemption of the principal and interest of said bonds.

Redemption of certain bonds payable from collection of assessments.

Sec. 184. If at any time hereafter the amount in the treasury of the city derived from collections of assessments shall be insufficient to meet and pay, when they become due and payable, any bonds [illegible] City of New York, as hereby

*So in original.

constituted, or any bonds heretofore issued by any of the municipal or public corporations or parts thereof hereby consolidated into The City of New York for expenditures incurred on public improvements, payable in whole or in part from assessments, then it shall be lawful for the comptroller, when thereto authorized by the board of estimate and apportionment, to issue corporate stock of The City of New York for an amount sufficient to pay the bonds so falling due as aforesaid; or the comptroller may, in his discretion, for such purpose, issue assessment bonds in the manner provided by section one hundred and eighty-one of this act.

Deficiencies in collections of arrears of assessments; how met.

Sec. 185. The comptroller is hereby authorized to issue from time to time assessment bonds in the manner provided by section one hundred and eighty-one of this act, to provide such amounts as may be required to meet the deficiencies caused by delay in collecting arrears of assessments; the aggregate amount so issued not to exceed at any time the aggregate amount of said arrears then outstanding.

Bonds for State Taxes.

Section 186. For the purpose of enabling The City of New York to make payment of the quota of state taxes which may be imposed upon, and chargeable to the said city and the counties wholly comprised therein, at the same time or times that other counties of this state are or may be required to make payment by law, the comptroller is hereby authorized and required, unless the money for the payment of the same shall have been otherwise provided, to issue certificates of indebtedness and other evidences of indebtedness issued pursuant to the provisions of section one hundred and eighty-seven of this act for such amounts as may from time to time become necessary to meet such quota of the state taxes, and from the proceeds thereof to pay to the state treasurer the amount of taxes which the comptroller of the state shall have apportioned according to law, and which may be required to be paid in pursuance of such apportionment to the state by The City of New York and said counties at such times.—As amended by Chapter 683, Laws 1910.

Certificate of Indebtedness or Other Evidence of Indebtedness of City; Special Funds.

Section 187. The comptroller is authorized to borrow, from time to time, on the credit of the corporation, in anticipation of its revenues, and not to exceed in amount the amount of such revenues, such sums as may be necessary to meet expenditures under the appropriations for each current year, including such amounts as are to be raised by The City of New York for county purposes. Such amounts shall be obtained by the issue of certificates of indebtedness or other evidences of indebtedness, which shall be termed "revenue bonds," "revenue bills," or be known by such other name as may be approved by the comptroller and which shall be in such form as may be designated by the comptroller, and which shall be redeemed out of the proceeds of the tax levy in anticipation of the collection of which such certificates of indebtedness or other evidences of indebtedness were issued. Whenever the comptroller may be authorized by the provisions of this act, or by laws heretofore or hereafter enacted, to issue revenue bonds, certificates of indebtedness or other evidences of indebtedness for purposes other than to meet expenditures under the appropriations for each current year, such certificates of indebtedness or other evidences of indebtedness shall be redeemed out of the tax levy for the year next succeeding the year of their issue, and the necessary appropriation therefor shall be made by the board of aldermen and the board of estimate and apportionment in the budget for such year. Such last mentioned certificates of indebtedness or other evidences of indebtedness may be designated and known as "Special revenue bonds," "Special revenue bills" or by such other name or title as may be approved by the comptroller and shall be in such form as may be designated by the comptroller. Cash balances of special funds in the treasuries or to the credit of the several municipal or public corporations or parts thereof, including the counties of Kings, Queens and Richmond, hereby consolidated with the mayor, aldermen and commonalty of The City of New York shall be transferred by the comptroller to like special funds of The City of New York, where such exist; and such special funds shall thereupon be liable for payments which would otherwise have been made out of the funds so transferred. Where no similar funds exist in the treasury or to the credit of The City of New York, such special fund shall be, so far as practicable, administered in the same manner as they would have been administered if this act had not been passed. Whenever it shall appear that the charges and liabilities of any such special fund exceed the available assets thereof, it shall be lawful for the board of estimate and apportionment, upon the written request of the comptroller, to authorize the issue of certificates of indebtedness or other evidences of indebtedness or assessment bonds or corporate stock of The City of New York, for the purpose of supplying such deficiency.—As amended by Chapter 683, Laws 1910.

Certificates of Indebtedness or Other Evidences of Indebtedness to be Redeemed Out of the Tax Levy for the Year Next Succeeding the Year of Their Issue.

Sec. 188. The comptroller is authorized to issue certificates of indebtedness or other evidence of indebteduess to be redeemed out of the tax levy for the next year succeeding the year of their issue to provide the means necessary to make payments for the following purposes:

1. The expense necessarily incurred in condemning unsafe buildings as provided by section five hundred and eleven of chapter four hundred and ten of the laws of eighteen hundred and eighty-two.

2. Amounts audited by the board of estimate and apportionment pursuant to section two hundred and thirty-one of this act.

3. Such amounts as may be necessary to pay judgments recovered against the corporation; provided, however, that when such judgments shall have been recovered for county charges or liabilities of any of the counties included within the territorial limits of the city of New York, separate accounts shall be kept thereof. The corporation counsel shall, in all such cases, advise the comptroller as to the amount of such county liability and the county incurring the same, and it shall, thereupon, be the duty of the comptroller in making the certificate to the board of aldermen, required by section nine hundred and two of this act in respect to county charges, to include in the amounts chargeable against each of such counties the amounts of such judgments respectively paid on account thereof during the preceding calendar year. It shall also be the duty of the comptroller in estimating the revenues of the general fund for the reduction of taxation as required by section nine hundred of this act, to include the amounts which shall be respectively chargeable against each of such counties.

4. The amount appropriated in pursuance of section two hundred and thirty-six of this act in those cases in which the appropriations are made after the final passage of the annual appropriations and the certification to the board of aldermen of the amount to be raised.

5. The amount necessary to defray the expense of supplying water meters as authorized by section four hundred and seventy-five of this act.

6. To provide for deficiencies in the fund for street and park openings as provided in section one hundred and seventy-four of this act.

7. To provide for the payment of claims, charges, expenses and appropriations which have been or may be lawfully payable by the city of New York, as hereby constituted, and the several counties wholly included within its limits and for which no other provision for payment has been made. Separate accounts shall be kept of the bonds issued and payments made on account of county charges and expenses, and the comptroller shall similarly certify the amounts thereof to be raised by tax in the respective counties and to be included in the general fund for the reduction of taxation as provided by subdivision three of this section in the case of judgments.

8. To provide for the payment of expenses authorized by the concurrent vote of all the members of the board of estimate and apportionment upon a resolution requesting such authorization, adopted by the affirmative vote of three-fourths of all the members of the board of aldermen, provided, however, that the amount thus issued shall not in any one year exeeed two million dollars.

9. To meet and pay the expenses incurred pursuant to the provisions of sections eleven hundred and seventy-seven and eleven hundred and seventy-eight of this act.

10. To provide in any year for the amount of any deficiency in the income from all sources of the New York fire department relief fund, wherewith to meet and pay all pensions or allowances payable from said relief fund during that year; as such deficency shall be estimated and certified to the comptroller by the treasurer of the New York fire department relief fund.—As amended by Laws of 1912, Chapter 457.

Notes to be issued in anticipation of the sale of corporate stock and serial bonds; notes to be issued in anticipation of tax levies.

Sec. 189. The comptroller is authorized to issue, whenever he may deem it for the best interests of the city so to do, bills or notes, to be known as "corporate stock notes," maturing within a period not to exceed one year, in anticipation of the sale of corporate stock or serial bonds duly authorized at the time such notes are issued. The proeeeds of the sale of sueh notes shall be used only for the purposes for which may be used the proceeds of the sale of corporate stock or serial bonds in anticipation of the sale whereof the notes were issued. All of such notes or any renewals thereof shall be payable at a fixed time, and no renewal of any sueh note shall be issued after the sale of corporate stock or serial bonds in anticipation of which the original note was issued. In the event that a sale of such corporate stock or serial bonds shall not have occurred prior to the maturity of the note so issued in anticipation of such sale the comptroller shall, in order to meet the notes then maturing, issue renewal notes for such purpose. Every such note and renewal note shall be payable from the proceeds of the next succeeding sale of corporate stock or serial bonds excepting as hereinafter provided. The total amount of such notes or renewals thereof issued and outstanding shall at no time exceed one-half of and if no sale of corporate stock or serial bonds authorized to be issued, and if no sale of corporate stock or serial bonds shall have been held within six months preceding the issue of such notes then the total amount of such notes or renewals thereof, issued and outstanding, shall at no time

exceed one-half the total amount of corporate stock or serial bonds authorized to be issued on the date which shall be six months after such last preceding sale. Whenever the board of estimate and apportionment shall authorize an expenditure for public improvements the cost whereof either wholly or in part is payable by the city under the provisions of this act, and shall direct that such cost of said improvements shall be included in the tax levy or levies of the year or years next following the adoption of the budget or budgets in which such cost, or such partial disbursement thereof as may be required, shall be included, the comptroller is authorized to issue, in anticipation of the collection of the taxes of the year from which the said board shall direct the payments to be made, as hereinbefore authorized, to pay the cost of such public improvements, obligations of the city of New York to be known as "tax notes" or by such other name or names as he may designate, provided, however, that the maturities of said obligations or any renewal thereof shall in no event be later than the year in anticipation of the tax levy whereof said obligations were issued. —As amended by Laws of 1916, Chap. 615.

TITLE 3.

THE CHAMBERLAIN.

How appointed; bond.

Sec. 194. The chamberlain shall be appointed in the same manner as heads of departments. He shall, within ten days after receiving notice of his appointment and before he enters upon his office, give a bond to the people of the state of New York in the sum of three hundred thousand dollars, with not less than four sufficient sureties to be approved by the comptroller, conditioned that he will faithfully discharge the duties of his office and all trusts imposed on him by law in virtue of his office. Such bond shall be deemed to extend to the faithful execution of the duties of the office until a new appointment shall be made and confirmed, and the person so appointed enters upon the performance of his duties. In case of any official misconduct or default on the part of such chamberlain, or his subordinates, an action upon such bond may be begun and prosecuted to judgment by the attorney-general, or by the city, which shall, after first paying therefrom the expenses of the litigation, cause the proceeds of such judgment to be distributed as shall be lawful and equitable among the persons and objects injured or defrauded by such official misconduct or default of said chamberlain, or any of his subordinates.

Duties; accounts of to be examined by commissioners of accounts.

Sec. 195. Said chamberlain shall exhibit to the board of aldermen, at its first meeting in the month succeeding that in which he enters upon the execution of his office, an exact statement of the balance in the treasury to the credit of the city, with a summary of the receipts and payments of the treasury during the preceding year, and since the last preceding report required by law, if more than a year shall have elapsed since such report. He shall receive all moneys which shall from time to time be paid into the treasury of the city. He shall deposit all moneys which shall come into his hands on account of the city on the day of the receipt thereof, or on the business day next succeeding, in such banks and trust companies as shall have been designated as deposit banks in pursuance of the next section, but no amount shall be on deposit at any one time in any one bank or trust company exceeding one-half of the amount of the capital and net surplus of such bank or trust company. The money so deposited shall be placed to the account of the chamberlain, and he shall keep a bankbook, in which shall be entered his accounts of deposit in, and moneys drawn from the banks and trust companies in which the deposits shall be made. The said banks and trust companies shall, respectively, transmit to the comptroller a weekly statement of the moneys which shall be received and paid by them on account of the city treasury. The chamberlain shall pay all warrants drawn on the treasury by the comptroller and countersigned by the mayor, or the chief clerk of the mayor when empowered by the mayor in writing so to do, and no moneys shall be paid out of the treasury except on the warrant of the comptroller so countersigned. No such warrant shall be signed by the comptroller or countersigned by the mayor, except upon vouchers for the expenditure of the amount named therein, examined and allowed by an auditor of accounts, approved by the comptroller and filed in the department of finance, except in the case of judgments, in which case a transcript thereof shall be filed, nor except such warrant shall be authorized by law or by ordinance, and shall refer to the law or ordinance, and to the appropriation under and from which it is drawn. The chamberlain shall not draw any moneys of the city treasury from said banks or trust companies unless by checks subjoined and attached to such warrants and subscribed by him as chamberlain, and no moneys shall be paid by either of the said banks or trust companies on account of the treasury except upon such checks; provided, however, that this provision shall not apply to transfer checks transferring funds from one city depository to another. The chamberlain shall exhibit his bank book to the comptroller on the first Tuesday of every month, and oftener when required. The accounts of the chamberlain shall be annually closed on the last day of December and shall be examined in the month of January in each year by the commissioner of accounts. Such commissioner shall examine the accounts and vouchers of all moneys received into and paid out of the city treasury during the year ending on the last day of December next preceding such examination, and shall certify and report to the mayor and board of aldermen in the following month of February the amount of moneys received into the treasury during such year, the amount of moneys paid out during the same period by virtue of warrants drawn on the treasury by the comptroller, the amount of moneys received by the chamberlain who shall be in office at the time of such examination, if he entered upon the execution of his duties since the last preceding report, the balance in the treasury on the last day of December preceding such examination, the amount of moneys borrowed for or on the credit of the city during such year and the amount of the bonds of the city issued during such year, with the purposes for which and the authority under which such bonds were issued. Such commissioner shall also compare the warrants drawn by the comptroller on the treasury during the year ending on the last day of December preceding such examination, with the several laws and ordinances under which the same shall purport to have been drawn, and shall in like manner certify and report whether the comptroller had power to draw such warrants; and if any shall be found which, in his opinion, the comptroller had no power to draw, he shall specify the same in his report, with his reasons for such opinion.—As amended by Laws of 1916, Chap. 517.

Public moneys; where to be deposited; salary of chamberlain.

Sec. 196. The said chamberlain and mayor and comptroller shall, by a majority vote, by written notice to the comptroller designate the banks or trust companies, in which all moneys of the city of New York shall be deposited, and may, by like notice in writing from time to time, change the banks and trust companies thus designated; but no such bank or trust company shall be designated unless its various officers shall agree to pay into the city treasury interest on the daily balances at a rate to be fixed by the mayor and chamberlain and the said comptroller of the city of New York, by a majority vote, which rate shall be so fixed quarterly, on the first days of February, May, August and November in each year, according to the current rate of interest upon like balances deposited in banks and trust companies in the city of New York by private persons or corporations. Banks or trust companies designated for the deposit of city moneys under the provisions of this section shall, before deposits are made, other than such as are of a temporary character and specifically relate to the current business of the city, severally execute and file with the chamberlain, a bond to the city of New York in such form and in such amount as may be prescribed and approved by the chamberlain and comptroller for the safe keeping and prompt payment of such moneys on legal demand therefor with interest at the rate agreed upon and, as surety for such bond, shall deposit with the comptroller outstanding unmatured bonds, corporate stock, revenue bonds, assessment bonds or other obligations issued by the city of New York, the value of which at existing prices on the open market shall be equal to the estimated amount of the proposed deposit, for which the chamberlain and comptroller shall deliver a certificate of deposit containing the conditions of said surety bond. On the withdrawal of all or a part of the funds deposited in any depository and a closing or depleting of the account thereof, or in the event of the deposit actually made being less than the estimated amount of such deposit, the chamberlain and comptroller shall certify to such settlement or depletion or difference and direct the surrender of the whole or a proportionate share of such deposit to the owner or owners thereof. The said chamberlain shall keep books showing the receipts of moneys from all sources, and designating the sources of same, and also showing the amounts paid from time to time on account of the several appropriations, and no warrants shall be paid on account of any appropriation after the amount authorized to be raised for that specific purpose shall have been expended. The said chamberlain shall once in each week report in writing to the mayor and to the comptroller all moneys received by him, the amount of all warrants paid by him since his last report, and the amount remaining to the credit of the city. The chamberlain shall receive the sum of twelve thousand dollars annually, and no more, for his services as chamberlain of said city and as county treasurer of the county of New York in lieu of all salary and of all interest, fees, commissions and emoluments; and all such interest, fees, commissions and emoluments shall be accounted for and paid over by him to the city treasury, except that the commissions or compensation provided by law, and received by him for receiving and paying over state taxes, and all interest which accrues on deposits shall be paid by him to the commissioners of the sinking fund. He may appoint and remove at pleasure deputy chamberlains, and such clerks and assistants as may be necessary whose salaries, together with all the expenses of the office, shall be paid by the city of New York when fixed by the board of aldermen on the recommendation of the board of estimate and apportionment. The chamberlain shall also have power to designate in writing one of said clerks to act as warrant clerk, whose duty it shall be to sign warrants and to perform such other duties as may be required of him, under the direction of the chamberlain.—As amended by Laws of 1911, Chapter 304.

Certain sections of code of civil procedure respecting moneys paid into court applicable.

Sec. 197. Each provision of title three of chapter eight of the code of civil procedure, relating to a county treasurer, applies to the chamberlain with respect to money paid into court, in an action triable in The City of New York, as hereby constituted, or with respect to money, or a bond, mortgage, or other security, or public stock, representing money paid into court, except where special provision, with respect to the same, is otherwise made by law, and the chamberlain shall perform all the duties prescribed by said provision of law in the counties of New York, Kings, Queens and Richmond.

Fees.

Sec. 198. The chamberlain is entitled, for the services specified in this section, to collect for, and on behalf of the city the following fees: For receiving money paid into the court, one-half of one per centum upon the sum so received. For paying out the same, one-half of one per centum upon the sum so paid out. For investing money, pursuant to the direction of the court, one-half of one per centum upon the sum invested, not exceeding two hundred dollars, and one-quarter of one per centum upon the excess over two hundred dollars. For receiving the interest upon an investment and paying the same to the person entitled thereto, one-

half of one per centum upon the interest so received and paid. All of said fees when collected by said chamberlain shall be paid by him into the city treasury, as provided in section one hundred and ninety-six of this act.

TITLE 4.

THE SINKING FUND.

Commissioners of the sinking fund; how constituted.

Sec. 204. There shall be a board of commissioners of the sinking fund composed of the mayor, comptroller, chamberlain, president of the board of aldermen and chairman of the finance committee of the board of aldermen, with all the powers and duties now assigned, designated and reposed by law or ordinance in the commissioners of the sinking fund of The City of New York, as heretofore constituted, of the city of Brooklyn and of Long Island City, or the officers entrusted with similar powers and duties in any of the municipal or public corporations or parts thereof, including the counties of Kings and Richmond, hereby consolidated with the mayor, aldermen and commonalty of The City of New York, except as otherwise provided by this act. The said board shall administer each of the said several sinking funds, and perform, carry out and exercise the several trusts, powers, obligations and duties relating thereto, in the same manner as the same would have been administered, performed, carried out and exercised if this act had not been passed, except as otherwise provided in this act. The assets and accounts of each of said sinking funds shall, except as hereinafter otherwise provided, be kept separate and distinct, and the same shall in all respects be administered as independent trusts, subject to and governed by the several provisions of law or ordinance heretofore relating thereto, with the intent and purpose of preserving inviolate the rights of holders of bonds and stocks heretofore issued by any of the municipal and public corporations or parts thereof hereby made of The City of New York, including the counties of Kings and Richmond.

Powers of commissioners of sinking fund.

Sec. 205. The said board shall, except as in this act otherwise specifically provided, have power to sell or lease for the highest marketable price or rental at public auction or by sealed bids, and always after public advertisement for a period of at least fifteen days in the City Record, and after appraisal under the direction of said board made within three months of the date of sale, any city property except parks, wharves and piers and land under water, except as hereinafter provided, but no such lease shall run for a term longer than ten years nor a renewal for a longer period than ten years. If such property be market property it shall be sold only pursuant to a resolution adopted by an unanimous vote of the commissioners of the sinking fund, concurred in by the board of aldermen. The commissioners of the sinking fund shall have power to assign to use for any public purpose any city property, for whatsoever purpose originally acquired, which may be found by the department having control thereof to be no longer required for such purpose. The proceeds of said sale or leasing shall on receipt thereof, after paying necessary charges, be immediately paid to the credit of the sinking fund for the redemption of the city debt; except that the commissioners of the sinking fund shall have power to provide, that the proceeds derived from any sale of real estate, or interest therein, remaining after the payment therefrom of the necessary charges of the sale and of any liens and charges upon the property sold, be paid to the credit of an appropriately designated fund, hereby created, and applied to the purchase of other real estate deemed necessary for public purposes when and as authorized, pursuant to the provisions of this act, with the same force and effect as though such disbursement was from the proceeds of the sale of corporate stock authorized to be issued for the purchase of real estate. The fund hereby created shall be under the control of the said commissioners of the sinking fund, and the moneys therein not disposed of in the purchase of real estate, shall when and as directed by the commissioners of the sinking fund, with the concurrence of the board of estimate and apportionment, be paid to the credit of the sinking fund for the redemption of the city debt. All the provisions of this act, relative to the purchase of real estate by the city, shall be made applicable to the acquisition of such real estate, purchased through the medium of the fund hereby created. Said commissioners of the sinking fund shall have power, by unanimous vote, to settle and adjust by mutual conveyances or otherwise, and upon such terms and conditions as may seem to them proper, disputes existing between the city and private lines, and to release such interests of the city owners of property, in respect to boundary in real estate as the corporation counsel shall certify in writing to be mere clouds upon titles of private owners, in such manner and upon such terms and conditions as in their judgment shall seem proper.

The commissioners of the sinking fund are hereby authorized to approve agreements, submitted by the commissioner of docks, fixing, determining upon and establishing the line of high water as provided for in section eight hundred and eighteen-a and are further authorized to sell and convey to the upland owner lands under water inside of such line, to purchase from the upland owner any lands outside of such line and to exchange lands under water inside of such line for lands outside of such line upon such terms and conditions as in their judgment shall seem proper.

Said commissioners of the sinking fund shall also have power to sell and convey the right, title and interest of the city in and to lands lying within any street, avenue, road, highway, alley, lane or public place or square that has been discontinued and closed, in whole or in part, by lawful authority, to the owner of lands fronting on such street, avenue, road, highway, alley, lane or public place or square so discontinued and closed, on such terms and conditions and for such consideration as in the judgment of said commissioners of the sinking fund shall seem proper, provided the said commissioners of the sinking fund shall first determine that the said lands or the part thereof so sold and conveyed, are not needed for any public use. Said commissioners of the sinking fund shall have discretion to direct the demolition or removal of all public buildings or other structures, the title to which has been acquired by the city in condemnation proceedings or by purchase, and not needed for any public purposes, in the same manner as now provided by law for the demolition and removal of unsafe buildings, and in such cases the expense of such demolition and removal shall be paid in the same manner as is now provided for the demolition and removal of unsafe buildings. They may also, prior to the confirmation of the report of commissioners of estimate and appraisal, or prior to the purchase of the premises upon which said buildings or parts of buildings or other structures are erected, or prior to the vesting of title therein, agree with the owner or owners thereof, or any person having a beneficial interest therein, in case title has not vested in the city, and in the case the title has vested in the city, with the person or persons entitled to the award or awards therefor, as to the cost and compensation to be allowed and paid to said owner or owners, or other persons for the removal of said buildings or parts of buildings or other structures, as the compensation to be awarded by said commissioners or allowed for the damage done said *buildings or buildings or other structures in the acquisition of title thereto, and it may also, as a condition of the sale by the city at private sale of its interest therein after vesting of title in said building or parts of buildings or other structures to the owner or owners of the award or awards therefor, or other person having an interest therein, agree that damages to be awarded by the commissioners shall be the agreed compensation for the purpose of the removal thereof, provided, however, that such buildings or parts of buildings or other structures shall not, in any case, be relocated or re-erected within the lines of any proposed street or other public improvement.

Commissioners of estimate and appraisal shall accept such agreed amounts of compensation for the removal of buildings or parts of buildings or other structures as the amounts to be awarded as such compensation and include the same in their reports. Said commissioners of the sinking fund shall preserve such conditions in the terms of sale which, if broken, shall entitle the city to a resale of said property, and which shall revest title to same in the city.

Said commissioners of the sinking fund shall also have power to lease all or any part of the right, title and interest heretofore or hereafter acquired by the city in and to any lands outside the limits of said city for the sanitary protection of the water supply, and to grant in perpetuity, or for shorter periods, rights, easements, or rights of way in, over or across any such lands, for highway purposes, or for the improvement of the facilities and public service of railroads heretofore located thereon upon such terms and conditions, for such consideration, and subject to such restrictions as in the judgment of said commissioners shall seem proper; provided that no such lease or grant shall be made unless the said commissioners shall first determine that the said lands or interests therein, so granted or conveyed, are to be used or enjoyed for a purpose which is consistent with the sanitary protection of the water supply of said city, and provided that every such grant or lease shall contain covenants restricting the use of such lands, or interests therein, in accordance with the determination of said commissioners and providing for the forfeiture to the city of the lands or interests therein upon breach of any of said covenants. The provisions of existing laws or ordinances relative to the investment of moneys and assets of the several sinking funds hereby made subject to the control of the commissioners of the sinking fund as hereby constituted, in bonds, stocks, or obligations of the municipal or public corporations or parts thereof hereby consolidated into The City of New York, including the counties of Kings and Richmond, shall hereafter apply to investments thereof in the bonds and stock of the corporation of The City of New York, issued on and after January first, eighteen hundred and ninety-eight, provided, however, that such bonds or stock shall not thereupon or thereafter be canceled except as herein otherwise specifically provided, but the same shall upon their maturity be paid off,

*So in original.

liquidated or discharged in the same manner as they would be if held by private creditors. It shall be lawful for the commissioners of the sinking fund in their discretion, and they are hereby empowered in such discretion to cancel from time to time, but not before maturity, bonds and stock of any of the municipal and public corporations or parts thereof forming part of the corporation of The City of New York, as hereby constituted, and of the counties of Kings and Richmond, which may be held by any of said sinking funds on December thirty-first, eighteen hundred and ninety-seven, providing said bonds and stocks are by law redeemable from the sinking funds in which the same are held. It shall also be lawful for the commissioners of the sinking fund in their discretion and they are hereby empowered in such discretion, to cancel from time to time but not before maturity, any portion of the indebtedness of The City of New York, as hereby constituted, incurred on or after January first, eighteen hundred and ninety-eight, which may be held by them in the sinking fund of The City of New York, as hereinafter constituted, and which may by law be redeemable from said sinking fund as herein or elsewhere provided, and all of such similar indebtedness incurred to provide for the supply of water, which may be held by them and redeemable from the water sinking fund of The City of New York as hereinafter constituted. The funds to be known as the sinking fund of The City of New York as hereinafter constituted, shall be administered by the commissioners of the sinking fund, in like manner as provided by the ordinance of the mayor, aldermen and commonalty of The City of New York, approved by the mayor, February twenty-second, eighteen hundred and forty-four, so far as the same may be applicable; provided, however, that nothing contained in said ordinance shall affect or alter the composition of the board of commissioners of the sinking fund, as by this act constituted. The rate of interest on all corporate stock, bonds or other obligations for the payment of money of whatsoever kind or description issued by The City of New York except certificates of indebtedness or other evidences of indebtedness, issued pursuant to the provisions of section one hundred and eighty-seven of this act, shall be prescribed by the commissioners of the sinking fund. The commissioners of the sinking fund may by resolution assign the places where the several municipal courts shall be held within their respective districts and may assign such place in said city as may to it seem most conducive to the public convenience for the holding of the courts of general and special sessions, and, upon the application of the board of city magistrates, may designate additional places for the holding of magistrates' or police courts and jail delivery to be held in and for the city; notice of any change of the places of holding such courts shall, before the same takes effect, be published in the City Record and the corporation newspapers for a period of not less than two weeks. Said publication shall be made under the direction of the comptroller. The commissioners of the sinking fund may by resolution designate from time to time any building or buildings within the city to be the common jails of said city or of any of the counties contained within its territorial limits, for all the purposes for which common jails may by law be used, and such building or buildings so designated shall be such common jails until changed by a like resolution of the commissioners of the sinking fund. The sinking fund commissioners of The City of New York shall not have the power in any event to compromise or release any existing liability or obligation to The City of New York or to the mayor, aldermen or commonalty of The City of New York, or to any of the municipalities or parts of municipalities consolidated with the former city of New York, under the provisions of chapter six hundred and forty-two of the laws of eighteen hundred and eighty-six or under chapter four hundred and thirty-four of the laws of eighteen hundred and ninety-three, but such liabilities and obligations shall be and remain inviolable. [As amended by Laws of 1913, chap. 250.]

Powers of commissioners of sinking fund to exchange lands no longer used for public purpose for other lands.

Sec. 205-a. The commissioners of the sinking fund are authorized by unanimous vote except as otherwise specifically provided in the Greater New York charter, subject, however, to the approval of the board of estimate and apportionment to be given, as hereinafter provided, upon the application of any department board, body or officer of the city of New York, for or to whose use any lands of the city of New York have been acquired or assigned as provided in section two hundred and five of the Greater New York charter and upon the determination of said commissioners that such realty property of the city of New York as shall be specified in such application is no longer needed for departmental or public purposes, to exchange any such land with or without the improvements thereon for other land of equal or greater value of private owners lying within the same borough of the city of New York, provided that the said commissioners shall determine that such lands of private owners are needed for a public purpose. To determine the value of the land of the city of New York, and the land to be exchanged therefor, the said commissioners shall have such property of the city of New York and the property of the owners duly appraised by three discreet and disinterested appraisers to be appointed by the said commissioners, said appraisers being residents of the borough in which such lands are situated, and such appraisal shall be made within three months prior to the date of such exchange. Certified copies of the resolutions adopted by the commissioners of the sinking fund together with the reports and appraisals of the appraisers as herein provided shall be presented to the board of estimate and apportionment at its first meeting thereafter, and if the board of estimate and apportionment, by a three-fourths vote, approves of the resolutions and action of the commissioners of the sinking fund authorizing such exchange, then and in that event such exchange shall be made, and the corporation counsel of the city of New York shall upon the direction of the said commissioners of the sinking fund by a resolution duly adopted and certified approve the form of all legal instruments necessary on the part of the city of New York to effect such exchange in law, and the said commissioners shall designate and authorize the proper officer to execute and deliver any and all legal instruments necessary to effectuate such exchange as aforesaid. The land so acquired by the exchange shall be assigned to the department requiring the use of the same upon proper application therefor.—Added by Laws 1907, Chapter 262.

Power of commissioners of sinking fund to lease, or sell and convey certain land under water.

Sec. 205-b. Notwithstanding any provision of the Greater New York charter or of any other act, the commissioners of the sinking fund are hereby authorized in their discretion to lease or to sell and convey to the upland owner any of the land under water along the westerly shore of the East River inside the bulkhead line between the northerly and southerly limits prescribed by chapter two hundred and eighty-six of the laws of eighteen hundred and eighty-nine.—Added by Laws 1912, Chapter 400.

The Sinking Fund of the City of New York.

Sec. 206. There shall be created a fund to be known as the "sinking fund of the city of New York," which shall have for its purposes the liquidation of the principal of the debt of the corporation of the city of New York incurred on or after January first, eighteen hundred and ninety-eight, as to which no provision for the payment thereof otherwise than from taxation is made, and excepting revenue bonds, certificates of indebtedness or other evidences of indebtedness, issued pursuant to the provisions of section one hundred and eighty-seven of this act, serial bonds issued pursuant to the provisions of section one hundred and sixty-nine of this act, and corporate stock notes, tax notes or other obligations issued pursuant to the provisions of section one hundred and eighty-nine of this act, and bonds issued to provide for the supply of water. For the redemption of such debt out of said sinking fund there shall be annually included in the budget and paid into the sinking fund of the city of New York herein created, an amount to be estimated and certified by the comptroller, and to be by the board of aldermen and the board of estimate and apportionment inserted in the budget for each year, which with the accumulations of interest thereon shall be sufficient to meet and discharge such bonds or stocks by the time the same shall be payable; provided, however, that there shall be deducted from said amount, the amounts annually received from the operation of any rapid transit railroad or railroads for the construction of which bonds shall have been issued pursuant to the provisions of the rapid transit act applicable to the city of New York or any municipal corporation or territory embraced therein. Whenever the bonds and stocks outstanding on December thirty-first, eighteen hundred and ninety-seven, and being charges or liens on any of the sinking funds hereby made subject to the control of the commissioners of the sinking fund, shall in respect to any such sinking fund be wholly discharged, liquidated or canceled, it shall thereupon be lawful for the commissioners of the sinking fund to cancel such bonds of the corporation of the city of New York issued on or after January first, eighteen hundred and ninety-eight as may be held by such sinking fund, and the revenues of such sinking fund when thus relieved of such liens or charges shall thereupon and thereafter be paid into the sinking fund of the city of New York, as herein created. Whenever such payments shall be made, the comptroller in making the certificate to the board of estimate and apportionment by this section required shall take into account the amount thereof, and deduct the same from the estimated amount to be included in each year's budget as herein provided. (As amended by Chapter 309, Laws of 1915.)

Sinking funds for redemption purposes to be continued.

Sec. 207. The fund known as "the sinking fund of the City of New York for the redemption of the city debt," and the fund known as "the sinking fund of the city of Brooklyn," and the like funds of each and every of the municipal or public corporations or parts thereof by this act consolidated with the corporation known as "the mayor, aldermen and commonalty of the City of New York," including the counties of Kings and Richmond, shall be continued, and the funds, moneys, revenues and assets heretofore pledged and appropriated to each of said funds shall continue to be and the same are hereby pledged and appropriated thereto severally and respectively in the same manner as though this act had not been passed until such time as the bonds, stocks and obligations outstanding on December thirty-first, eighteen hundred and ninety-seven, and redeemable therefrom, shall have been respectively canceled, liquidated, discharged and redeemed. Wherever, by existing laws or ordinances, the duty is imposed upon boards or officers of the several municipal or public corporations or parts thereof hereby consolidated with the mayor, aldermen and commonalty of The City of New York, including the counties of Kings and Richmond, to raise by taxation, annually or otherwise, amounts of money for sinking fund purposes, or for the redemption of or payment of interest on bonded indebtedness, for which the City of New York as hereby constituted, is by this act made liable, it shall be the duty of the proper officers of the said City of New York in like manner to raise such amounts by taxation upon the estates,

real and personal, subject to taxation in said city.

Sinking funds created pursuant to constitutional requirements; water sinking fund of The City of New York.

Sec. 208. There shall be created a fund to be known as the "water sinking fund of The City of New York," which shall have for its purpose the liquidation of the principal of the debt incurred by the City of New York, as hereby constituted, on and after January first, eighteen hundred and ninety-eight, for the supply of water. The funds known as the "sinking fund number two of The City of New York," the "water sinking fund of the city of Brooklyn," and the sinking funds of each and every municipal and public corporation or part thereof hereby made part of the corporation of The City of New York, including the counties of Kings and Richmond, created pursuant to the requirements of the constitutional amendment adopted November fourth, eighteen hundred and eighty-four, or of section ten of article eight of the constitution of the state of New York, shall be continued, and the funds, moneys, revenues and assets heretofore pledged and appropriated to each of said funds shall, except as herein otherwise specifically provided, continue to be severally and respectively so pledged and appropriated. It shall, however, be the duty of the comptroller of The City of New York, as soon as practicable after the passage of this act, to cause an examination to be made as to the condition of said funds, and if it appears to him, and he shall so certify to the commissioners of the sinking fund, that said funds or any of them have been managed, invested and administered in the manner required by the provisions of the constitution of the state of New York as aforesaid, it shall be lawful for the said commissioners of the sinking fund, by concurrent vote, to authorize and direct the amalgamation of said fund or funds with the water sinking fund of The City of New York, as hereby constituted.

Sinking funds for the payments of interest.

Sec. 209. The fund known as the "sinking fund of The City of New York for the payment of the interest accruing and to accrue upon the stocks of said city until the same be fully and finally redeemed," shall be continued, and after providing for the interest on the bonds and stocks now payable therefrom as provided by law, shall form a fund which shall be transferred to the "sinking fund of The City of New York or the redemption of the city debt;" provided, however, that nothing herein contained shall authorize the payment from said fund of any interest which may accrue on bonds to be issued by the corporation of The City of New York, as hereby constituted, after January first, eighteen hundred and ninety-eight. Like funds in any of the municipal or public corporations or parts thereof which by this act are made part of the corporation of The City of New York, as hereby constituted, including the counties of Kings and Richmond, shall likewise be continued, and any surplus that may remain therein after fully satisfying all claims, liens or charges that may exist against such funds pursuant to law or ordinance shall, unless otherwise provided by law, be transferred to the "sinking fund of The City of New York," as herein constituted.

Disposition of certain moneys received for local improvements.

Sec. 210. All moneys now in the treasury of the corporation known as the mayor, aldermen and commonalty of The City of New York heretofore collected and received in payment or on account of assessments made and confirmed for local improvements in said city, and all moneys which shall hereafter be collected and received in payment or on account of assessments made and confirmed, or which may be made and confirmed for local improvements in said city completed prior to June third, eighteen hundred and seventy-eight, shall be paid into the sinking fund for the redemption of the city debt, and the same is hereby, in addition to the revenues and moneys aforesaid pledged and appropriated to said sinking fund for the payment of the bonds and stocks of said city, to be paid and redeemed therefrom as herein provided.

Funds and revenues pledged to redemption of city debt.

Sec. 211. Between the city and its creditors, holders of its bonds and stocks as aforesaid, including the bonds and stocks of the municipal or public corporations or parts thereof consolidated with the corporation known as the mayor, aldermen and commonalty of The City of New York, as well as those of the latter corporation and of the counties of Kings and Richmond, there shall be and there is hereby declared to be a contract that the funds and revenues of the city, including all the corporations last stated and said counties of Kings and Richmond, and the funds to be collected from assessments pursuant to any law by this chapter pledged to the sinking fund for the redemption of the city debt, shall be accumulated and applied only to the purposes of the said several sinking funds as prescribed by law, until all of said debt redeemable therefrom is fully redeemed and paid as herein provided.

Sinking fund for the redemption of the city debt not to be alienated or impaired.

Sec. 212. Nothing in this chapter contained shall be held to require or authorize the commissioners of the sinking fund to use or apply any part or portion of the accumulations in said sinking fund for the redemption of the city debt or the revenues of said fund in any manner whatever, whereby the security of said fund for the payment of the bonds and stocks of the corporation known as the mayor, aldermen and commonalty of The City of New York, for which said fund is now pledged by law, and which are a charge on said fund, shall be alienated or impaired, and the said bonds and stocks so secured by law are hereby declared to constitute a preferred charge on said sinking fund until the same are fully and finally paid and redeemed.

Commissioners May Call in Bonded Debt: Consolidated Stock of the City of New York: Lien of, on Sinking Fund for the Redemption of the City Debt.

Sec. 213. The commissioners of the sinking fund are hereby authorized and empowered to call in, pay, and redeem any portion of the bonded debt constituting a charge upon the treasury of The City of New York, as constituted by this act, other than revenue bonds, issued in anticipation of the collection of taxes, certificates of indebtedness or other evidences of indebtedness, issued pursuant to the provisions of section one hundred and eighty-seven of this act, when they may deem it to be advantageous for the interest of the city so to do, and for this purpose the said commissioners of the sinking fund, are hereby empowered by a concurrent vote, and subject to the approval of the board of estimate and apportionment, to authorize and direct the comptroller to issue or sell or exchange therefor at not less than par, corporate stock of said city, in the manner herein provided; and upon the payment and redemption of any portion of said bonded debt the certificates thereof shall be canceled by said commissioners of the sinking fund. The "consolidated stock" of the mayor, aldermen and commonalty of The City of New York, issued pursuant to the provisions of section one hundred and seventy-six of chapter four hundred and ten, of the laws of eighteen hundred and eighty-two, after fully providing for the preferred bonds and stocks of said city, as in the preceding section specified shall form a charge upon the said "sinking fund for the redemption of the city debt," and any part of the bonded debt of said corporation falling due and not exchanged for or redeemed from the proceeds of said consolidated stock as in said section provided, may be paid from said sinking fund for the redemption of the said city debt, provided such payment shall not in any way impair the preferred claims thereon as in the preceding section specified, and provided also, the commissioners of the sinking fund shall deem it to be for the best interests of the city that such payment shall be so made.—As amended by Chapter 683, Laws of 1910.

Preferred bonds and stocks to be paid from the sinking fund for the redemption of the city debt.

Sec. 214. From the said sinking fund for the redemption of the city debt shall be paid and redeemed all preferred bonds and stocks of the mayor, aldermen and commonalty of The City of New York, as by this title authorized.

Disposition of certain assessments for local improvements.

Sec. 215. The assessments made for local improvements prior to the ninth day of June, eighteen hundred and eighty, by the corporation known as the mayor, aldermen and commonalty of The City of New York, including assessments for improvements contracted for or authorized by said corporation, prior to said date, shall, when collected, be paid over to the commissioners of the sinking fund, and applied by them in accordance with law. Said commissioners may, in their discretion, upon the written request of the comptroller of the city, authorize the said comptroller to cancel and annul any or all of such assessments which may have been levied against or be a charge against any real property now owned by the city, and thereupon the said comptroller shall cause the records of all such assessments to be marked in accordance with such determination of said commissioners. [As amended by Laws of 1913, chap. 33.]

Alteration of rates prohibited; the general fund.

Sec 216. It shall not be lawful for The City of New York to make or cause to be made, any alteration of rates or charges affectiug any item or source of the reveuues of any of the siuking funds of said city, or of the general fund which may tend to a dimiuution of the receipts from such sources of revenue, or either of them, except that it shall be lawful for The City of New York to exempt places of public worship from the payment of any fee for the coustruction of vaults under the sidewalk or in front thereof, and all the revenues of said corporation not by law otherwise specifically appropriated, shall, when received iuto the city treasury, be credited to the general fund; except such proceeds of policies of insurance as shall be authorized by the board of estimate and apportionment to be applied to repair, replace or reconstruct auy puòlic property injured or destroyed and covered by such insurance.

Applications for leases for public purposes; statement by comptroller.

Sec. 217. All applications to lease any real estate for the purposes of The City of New York, or any of the counties contained within its territorial limits, including the premises required in accordance with law, for armories and drill rooms and places of deposit for the safe keeping of arms, uniforms, equipments, accoutrements and camp equipage of the national guard, must be presented to and passed upon by the commissioners of the sinking fund of said city. It shall be the duty of the comptroller, after due inquiry to be made by him, to present to the said commissioners a statement, in writing, of the facts relating to any real estate proposed to be leased, the purposes for which such lease is required by the city, with his opinion, and the reasons therefor, as to the fair and reasonable rent of said premises. The said commissioners upon such report, and upon

such further inquiry as they, in their discretion, may make, may authorize a lease of such premises as shall be specified in their resolution, at the rent therein set forth, for a period not exceeding five years, except that a lease for an entire building intended to provide accommodations for more than one department of the city, may be made for a period not to exceed twenty-one years; but such lease shall not be authorized except at a fair and reasonable rent, and unless the commissioners are satisfied, and shall so express, that it would be for the interests of the city that a lease of the premises for the purposes specified should be made. Without the consent of the said commissioners, the premises leased shall not be used during the period of the lease for purposes other than specified in said resolution. If the city shall, prior to the making of the lease, have entered upon the possession of the property, the lease may be made to commence as of the date when the occupation commenced.

Cession of certain lands to federal government to improve Harlem river.

Sec. 218. The commissioners of the sinking fund, or the board of aldermen, are authorized to cede, grant and convey to the United States, upon such terms, and for such consideration as may be agreed upon by and between said commissioners of the sinking fund, or said board of aldermen and the United States, all the estate, right, title and interest of The City of New York in and to any part of the land required for the channel to connect the waters of the Harlem river with the Hudson river, in accordance with the plans for the improvement of the Harlem river, prepared under the direction of the secretary of war. Whenever any part of said land shall have been ceded by said commissioners of the sinking fund, or said board of aldermen, pursuant to the authority hereby given, it shall be the duty of said commissioners of the sinking fund, or a majority of them, to give a certificate under their hands, that the same has been ceded, pursuant to the provisions of this section; and upon the production of such certificate and upon proof of due compliance, on the part of the United States, with the terms of cession, it shall be the duty of the mayor and the city clerk, in the name and on behalf of The City of New York, to execute a proper conveyance of such lands under their hands and the seal of said city.

Cession of lands and lands under water to the Federal government for the improvement of navigation of waters within or separating portions of the city.

Sec. 218-a. The city of New York, acting by the commissioners of the sinking fund of said city, is authorized to cede, grant and convey to the United States, free of cost, all the estate, right, title and interest of the city of New York in and to any lands and lands under water acquired by or owned by the city of New York, required for the improvement of navigation of waters within or separating portions of said city in accordance with the plan or plans, establishing bulkhead or pierhead lines in said waters prepared by the secretary of war. Whenever any part of said land or lands under water shall have been ceded by said commissioners of the sinking fund, pursuant to the authority herein given it shall be the duty of said commissioners of the sinking fund or a majority of them to give a certificate under their hands, that the same have been ceded, pursuant to the provisions of this section; and upon the production of such certificate it shall be the duty of the mayor and city clerk in the name and on behalf of the city of New York to execute a proper conveyance of such lands under their hands and the seal of said city.—As added by Laws of 1916, Chap. 494.

Certain duties of commissioners relative to docks, piers, etc.

Sec. 219. The commissioners of the sinking fund shall perform the duties and possess the powers with reference to docks, piers and slips, stated in chapter sixteen of this act.

Sale of public lands at auction.

Sec. 220. The commissioners of the sinking fund are authorized, upon the application of the board of education duly authorized and certified, to sell at public auction at such times and on such terms as they may deem most advantageous for the public interest, any land or lands and the buildings thereon, owned by The City of New York, occupied or reserved for school purposes, and no longer required therefor, provided, however, that no property shall be disposed of for a less sum than the same may be appraised by the commissioners of the sinking fund, or a majority of them, at a meeting to be held and on an appraisement made within two months prior to the date of the sale; and at least thirty days' notice of such sale, including a description of the property to be sold, shall be published in the City Record. The money received in payment for the said lands and buildings shall be paid into the sinking fund for the redemption of the city debt, if the property thus sold was acquired prior to January first, eighteen hundred and ninety-eight, and if acquired subsequent thereto, into the sinking fund of The City of New York.

Sales of city's interest in tax sale certificates acquired by the former city of Brooklyn, etc.

Sec. 221. The commissioners of the sinking fund are authorized, upon the written application of the comptroller of The City of New York, to sell at public auction at such times and on such terms as they may deem most advantageous for the public interest, but after due appraisement, all the city's right, title and interest in certain tax sale certificates of lands and premises purchased by the former city of Brooklyn at sales for arrears of taxes held under and pursuant to an act entitled "An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates of the city of Brooklyn, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages and to enforce the payment thereof," passed March sixteenth, eighteen hundred and eighty-three, and the several acts amendatory thereof. Notice of such sale shall be published in the City Record for at least thirty days prior to the date of sale, and said notice shall designate the number of the certificate, the ward in which said lands are situated, the block and lot number by which the same are designated or known on the assessment map of such ward. Upon the payment of the amount bid at such sale the commissioners of the sinking fund shall authorize the comptroller to execute an assignment of said certificate, but no assignment of any certificate given under the provisions of this section shall become operative or have any effect until the same shall have been presented by the purchaser or his representative to the deputy collector of assessments and arrears in the borough of Brooklyn, and a memorandum thereof entered on the record of sales, and a minute of such entry indorsed on such assignment, and every such assignment shall have priority accordiug to the date such entry and minute are made and indorsed. The proceeds of said sale shall, on receipt thereof, after paying necessary charges, be immediately paid into the city treasury to the credit of the general fund.

Power to cancel taxes, assessments and water rents.

Sec. 221-a. The commissioners of the sinking fund of The City of New York, upon the written certificate of the comptroller of said city approving the same, with whom such application for relief under this section shall be filed, may in their discretion and upon such terms as they may deem proper, by a unanimous vote cancel and annul all taxes, assessments and Croton water rents and sales to said city of any or all of the same which now are or may hereafter become a lien against any real estate owned by any corporation, entitled to exemption of such real estate owned by it from local taxation under article one, section four, subdivision seven of the tax law, which was the actual owner of such real estate and entitled to such exemption, during the time when the taxes, assessments or Croton water rents from which it asks relief accrued and became liens thereupon. The comptroller of The City of New York shall mark the city's books and rolls of taxes, assessments and Croton water rents in accordance with the determination of the said commissioners of the sinking fund in every case in which action shall be taken under the provisions of this act.—Added by Laws 1909, Chapter 388.

General fund bonds; how issued; sinking fund.

Sec. 222. In addition to the bonds and stock now authorized by law The City of New York is hereby authorized to issue bonds to be called general fund bonds which may be issued in the manner prescribed in this section and shall be subject to the provisions thereof. General fund bonds shall be obligations of The City of New York like other stocks and bonds of said city and subject to all provisions of law applicable to corporate stock of the city of New York which are not inconsistent with this section. The faith and credit of The City of New York is hereby pledged for the fulfillment of all the obligations created by general fund bonds.

The board of commissioners of the sinking fund in the year one thousand nine hundred and three and in each year thereafter until all of the bonds and stock which are redeemable from the fund known as "the sinking fund of The City of New York for the redemption of the city debt" shall have matured, shall set apart out of the revenues and income of said sinking fund, except the income and accumulation thereof derived from assets held by said sinking fund on January first, nineteen hundred and three, and except also the income and accumulation thereof derived from the amount to be thus annually set apart, a sum which with the accumulation of interest thereon, together with the said assets of said sinking fund and the earnings and accumulations thereof, shall be sufficient to redeem at maturity all the bonds and stocks of The City of New York which are redeemable from said sinking fund.

At least two weeks before the meeting of the board of aldermen in each and every year for the purpose of receiving the assessment-rolls required to be delivered by the board of taxes and assessments to the board of aldermen, the board of commissioners of the sinking fund may in its discretion, certify to the board of aldermen the amount as estimated by said board of commissioners of revenues or income, from all sources, of "the sinking fund of The City of New York for the redemption of the city debt," during the then calendar year and also the amount required by this section to be set apart for such calendar year out of such revenues and income for the redemption of bonds and stock.

If in any year the said estimated amount of revenues or income of said sinking fund, excepting the income and accumulation thereof derived from the assets held by said sinking fund on January first, nineteen hundred and three, and from the amounts annually set apart for the redemption of bonds and stock as by this section required, shall exceed the amount required to be set apart in such year as in this section provided, the board of commissioners of the sinking fund may in its discretion, at the time of making said certificates to the board of aldermen, determine to invest the whole or any part of the amount of such excess in general fund bonds of The City of New York for the account of "the sinking fund of The City of New York for the redemption of the city debt," but such investments shall not be made in

any year until the amount required by this section to be set apart for such year, as provided herein, shall have been so set apart.

The board of commissioners of the sinking fund shall then notify the board of aldermen and the comptroller of the amount it has determined to invest in general fund bonds during the current year, and the comptroller shall include said amount in the certificate of estimated revenues of the general fund required to be by him made to the board of aldermen pursuant to section nine hundred of this act.

The comptroller of The City of New York, upon the request of the board of commissioners of the sinking fund and upon receipt of the money thus to be invested, and without the concurrence or approval of any other board or public body, and without any action or other proceedings whatever other than those provided in this section, shall issue and deliver to said board, duly signed and sealed and in such form as shall be approved by the said board, general fund bonds to the corresponding amount. The comptroller shall forthwith pay into the city treasury the money thus received which shall be deemed to be a part of the general fund and be used for the reduction of taxation.

General fund bonds shall be issued only to the board of commissioners of the sinking fund for the account of the said fund known as "the sinking fund of The City of New York for the redemption of the city debt." They shall be the valid and binding obligations of The City of New York, and shall bear such rate of interest, payable from taxation or the general fund, as shall be determined by the said board, and said bonds shall be due and payable at such time as shall be determined by the said board, but not earlier than the year nineteen hundred and twenty-nine, and said bonds shall in all respects, except as in this section otherwise expressly provided, be like other corporate stock and bonds of The said City of New York and the rights, powers, duties, and obligations of the board of commissioners of the sinking fund in respect of said general fund bonds shall be the same in all respects, except as in this section otherwise expressly provided, as with respect of all other corporate stock of said city in said sinking fund.

When all the bonds and stocks redeemable from "the sinking fund of The City of New York for the redemption of the city debt" shall have been paid, all general fund bonds then in the said sinking fund shall be cancèled.

If in any year it shall appear to the board of commissioners of the sinking fund that the revenues and income of "the sinking fund of The City of New York for the redemption of the city debt" applicable thereto will not be sufficient to provide the sum required by this section to be set apart in such year, it shall be the duty of the board of commissioners of the sinking fund to certify to the board of estimate and apportionment before said board meets for the purpose of making up the annual budget for the next ensuing year, a sum sufficient, when added to the amount of estimated revenues and income for that year, as certified by the said board of commissioners of the sinking fund, to make up the deficiency. The sum thus certified shall be included by the board of estimate and apportionment and the board of aldermen in the annual budget for the next ensuing year and be raised by taxation and paid into the said sinking fund during such year.

If at any time it shall be necessary in order to provide for the redemption of the bonds and stock which are redeemable from "the sinking fund of The City of New York for the redemption of the city debt" the said board of commissionpower, in addition to all other powers conferred by law upon said board, to purchase for the account of any of the sinking funds under its control, or to sell at public sale to the highest bidders therefor, such an amount of the general fund bonds held by it for the account of "the sinking fund of The City of New York for the redemption of the city debt" as may be necessary for that purpose. Such general fund bonds when thus purchased for other sinking funds or sold at public sale shall be a charge upon "the sinking fund of The City of New York," and there shall be raised annually by taxation and paid into the said sinking fund a sum which, with the accumulation of interest thereon, shall be sufficient to redeem said bonds at maturity; but so long as the said general fund bonds are held in the said fund, known as "the sinking fund of The City of New York for the redemption of the city debt," no such annual sum shall be raised for the redemption of the principal of the said general fund bonds at maturity.—As amended by Laws 1912, Chapter 6.

TITLE 5.

APPROPRIATIONS AND THE BOARD OF ESTIMATE AND APPORTIONMENT.

How constituted; duties; the annual budget.

Sec. 226. The mayor, comptroller, president of the board of aldermen, and the presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond shall constitute the board of estimate and apportionment. Except as otherwise specifically provided, every act of the board of estimate and apportionment shall be by resolution adopted by a majority of the whole number of votes authorized by this section to be cast by said board. The mayor, comptroller and the president of the board of aldermen shall each be entitled to cast three votes; the presidents of the boroughs of Manhattan and Brooklyn shall each be entitled to cast two votes; and the presidents of the boroughs of The Bronx, Queens and Richmond shall each be entitled to cast one vote. A quorum of said board shall consist of a sufficient number of the members thereof to cast nine votes, of whom at least two of the members hereby authorized to cast three votes each shall be present. No resolution or amendment of any resolution shall be passed at the same meeting at which it is originally presented unless twelve votes shall be cast for its adoption. The first meeting of said board in every year shall be called by notice from the mayor, personally served upon the members of said board. Subsequent meetings shall be called as the said board shall direct, and at such meetings the mayor, or in his absence the president of the board of aldermen, shall preside. The said board shall annually between the first day of October and the first day of November meet, and make a budget of the amounts estimated to be required to pay the expenses of conducting the public business of the city of New York, as constituted by this act and of the counties of New York, Kings, Bronx, Queens and Richmond for the then next ensuing year. Such budget shall be prepared in such detail as to the titles of appropriations, the terms and conditions, not inconsistent with law, under which the same may be expended the aggregate sum and the items thereof allowed to each department, bureau, office board or commission, as the said board of estimate and apportionment shall deem advisable. In order to enable said board to make such budget, the presidents of the several boroughs, the heads of departments, bureaus, offices, boards and commissioners shall, not later than September tenth, send to the board of estimate and apportionment an estimate in writing, herein called a departmental estimate, of the amount of expenditure, specifying in detail the objects thereof, required in their respective departments, bureaus, offices, boards, and commissions, including a statement of each of the salaries of their officers, clerks, employees and subordinates. Duplicates of these departmental estimates and statements shall be sent at the same time to the board of aldermen. Before finally determining upon the budget the board of estimate and apportionment shall fix such sufficient time or times as may be necessary to allow the taxpayers of said city to be heard in regard thereto, and the said board shall attend at the time or times so appointed for such hearing. After such budget is made by the board of estimate and apportionment, it shall be submitted by said board within five days to the board of aldermen, whereupon a special meeting of the board of aldermen shall be called by the mayor to consider such budget, and the same shall simultaneously be published in the City Record. The consideration of such budget by the board of aldermen shall continue from day to day until final action is taken thereon, but such consideration shall not continue beyond twenty days, and in the event of said board of aldermen taking no action thereon within such period of time, the said budget shall be deemed to be finally adopted as submitted by the board of estimate and apportionment. The board of aldermen may reduce the said several amounts fixed by the board of estimate and apportionment, except such amounts as are now or may hereafter be fixed by law, and except such amounts as may be inserted by the said board of estimate and apportionment for the payment of state taxes and payment of interest and principal of the city debt, but the board of aldermen may not increase such amounts nor vary the terms and conditions thereof, nor insert any new items. Such action of the board of aldermen on reducing any item or amount fixed by the board of estimate and apportionment shall be subject to the veto power of the mayor as elsewhere provided in this act, and unless such veto is overridden by a three-fourths vote of the board of aldermen, the item or amount as fixed by the board of estimate and apportionment shall stand as part of the budget. Prior to December twenty-fifth in each year the budget, as finally adopted pursuant to the provisions of this section, shall be certified by the mayor, comptroller and city clerk, whereupon the said several sums shall be and become appropriated to the several purposes therein named. On or before December thirty-first in each year the said budget shall be filed in the office of the comptroller and published in the City Record. (As amended by Chapter 378, Laws of 1915.)

Payment of city's obligations to be provided for.

Sec. 227. It shall be the duty of the board of estimate and apportionment, from time to time, to provide for the payment of the interest and principal of the bonds and other obligations of the city, or for which the city is liable, and also to provide for the payment to the commissioners of the sinking fund of any sums directed by special laws to be paid to said commissioners on account of such bonds or obligations and in anticipation of their maturity, and to provide for the raising of the money therefor, in accordance with such special laws and the laws under which such bonds and obligations were issued or created.

Duties when accumulations in sinking fund are insufficient.

Sec. 228. Whenever and as often as the commissioners of the sinking fund shall certify to the board of estimate and apportionment that the accumulations in any sinking fund will not be sufficient to meet the payment of any bonds or stocks falling due in the next following calendar year redeemable therefrom, it shall be the duty of the said board of estimate and apportionment, and it is hereby required to include in the annual budget for such year, to be raised by tax on the estates, real and personal, in the city, subject to taxation, such an amount to be applied to the payment of said bonds or stocks as shall be certified by said commissioners, and the amount so included in said estimate shall be paid into said sinking fund and applied as in this section specified.

Certain City Bonds and Stocks. Annual Provisions to Meet Payment of.

Sec. 229. For the payment of all bonds and stocks of the mayor, aldermen and commonalty of the city of New York issued after June third, eighteen hundred and seventy-eight, and for the payment of all the bonds and stocks hereafter issued by the city of New York, as hereby constituted, and for which no provision for the payment thereof, otherwise than from taxation is made, except revenue bonds issued in anticipation of the collection of taxes, certificates of indebtedness or other evidences of indebtedness, issued pursuant to the provisions of section one hundred and eighty-seven of this act, serial bonds issued pursuant to the provisions of section one hundred and sixty-nine of this act and corporate stock notes, tax notes or other obligations issued pursuant to the provisions of section one hundred and eighty-nine of this act, there shall annually be set apart or paid over to the commissioners of the sinking fund, as hereinafter directed, and invested by them in the manner provided by law, a sum sufficient, with the accumulation of interest thereon to meet and discharge the amount of said bonds or stocks by the time the same shall be payable, as the same shall be estimated and certified by the comptroller. The said annual sum so to be set apart or paid over and invested, except so far as it relates to bonds and stocks issued on or after January first, eighteen hundred and ninety-eight, and bonds issued to provide for the supply of water shall not

other provisions therefor may be hereafter made by law, be set apart out of the surplus income, revenues and accumulations of the sinking fund for the redemption of the city debt as now established by law after fully providing for the payment of the stocks and bonds of said city now outstanding and which, by sections two hundred and twelve and two hundred and thirteen of this act, are declared to be and are made preferred claims upon said sinking fund and also for the payment of such other bonds and stocks of said city as by said section two hundred and thirteen of this act are authorized to be paid from said sinking fund. Wherever, and as often as the commissioners of the sinking fund shall certify to the board of estimate and apportionment that the said surplus revenues of said sinking fund will, in the opinion of said commissioners, be less than the amount by this section required to be set apart or paid over to said commissioners for the purposes aforesaid, and certifying the amount of such deficiency, it shall be the duty of said board of estimate and apportionment and the board of aldermen to include in the annual budget for the year next ensuing to be raised by tax on the estates, real and personal, in said city subject to taxation, the amount of the deficiency certified as aforesaid, and this amount so raised by tax shall be paid to the commissioners of the sinking fund on the first day of November of the year in which the same shall be levied. (As amended by Chapter 309, Laws of 1915.)

Items to be included in annual estimate.

Sec. 230. The board of estimate and apportionment shall, in addition to such other amounts as it may in its discretion provide for public purposes in The City of New York and the several counties wholly contained within its territorial limits, annually include in its final estimate the following sums, which shall annually be raised and appropriated.

First—A sum not exceeding eight thousand dollars to be paid to the trustees of the Seventh regiment armory building, as an equivalent and in lieu of the rental of an armory for said regiment, to be applied to the preservation, maintainence and improvement of the said armory building, as provided in chapter five hundred and eighteen of the laws of eighteen hundred and ninety-three, said sum to be paid in the month of January in each year.

Second—The amount necessary for the maintenance of the buildings, instruments and equipments of:

1. The meteorological and astronomical observatory.

2. The American Museum of Natural History, not exceeding one hundred and thirty-five thousand dollars.

3. The Metropolitan Museum of Art, not exceeding ninety-five thousand dollars.

4. The Brooklyn Institute of Arts and Sciences.—As amended by Laws 1907, Chapter 43.

Third—Such sum, not exceeding seventy-five thousand dollars, as is included in the departmental estimates submitted to it by the department of public charities, to be applied to the relief of poor adult blind persons.

Fourth—Such sum as is necessary to pay the expenses of the registration and revision of registration required by law, and of all elections held in said city during the year.

Fifth—Such sum as may be necessary to pay the compensation due according to law to justices of the supreme court from judicial departments, other than the first and second judicial districts, who hold court in the first judicial department, or who hold court within the second judicial department within the said City of New York as hereby constituted.

Sixth—Such sum as may be necessary to pay the salaries of county officers within the counties of New York, Kings, Queens and Richmond, and likewise all other expenses within said counties and each of them which are county as distinguished from city charges and expenses.

Seventh—Such sum as is necessary for defraying the expenses incurred in carrying out the provisions of sections ten hundred and ninety-three, ten hundred and ninety-four and ten hundred and ninety-five of chapter four hundred and ten of the laws of eighteen hundred and eighty-two.

Eighth—Such sum as may be necessary to provide for the compilation and publication of the registry of voters, and such sum as may be necessary to provide for the compilation and publication of the annual record of the assessed valuation of real estate.

Ninth—The sums necessary, in the discretion of said board, to make the following described payments, namely:

1. To the American Female Guardian society for the maintenance of each girl under the age of fourteen and each boy under the age of ten years, committed to such society by any magistrate in The City of New York, the sum of two dollars per week for each and every week until such child is discharged or removed from the institution of such society. And also the sum of twenty-five thousand dollars, to be applied to the support of the industrial schools and other charitable wqork of the said society.

2. To the New York society for the prevention of cruelty to children, the sum of thirty thousand dollars, for the uses and purposes of said society; to the legal aid society, a sum not exceeding twenty-five thousand dollars, for the uses and purposes of said society.—As amended by Laws 1907, Chapter 680.

3. To the New York Society for the Relief of the Ruptured and Crippled, the sum of one hundred and fifty dollars for the support of every crippled child received and retained in their hospital for one year, and a proportionate sum for a shorter period.

4. To the New York Infirmary for Women and Children, twenty-five dollars for each homeless or needy mother who received care and attendance in lying-in wards of the New York Infirmary for Women and Children, for such care and obstetric attendance, and the further sum of eighteen dollars per month, and proportionately for any fraction of a month, for each mother thus domiciled and attended at the birth of her child, and for each homeless and needy mother with a nursing infant who resides at said infirmary at the request or by permission of its officers, and wet nurses for her own infant, provided such residences shall exceed the period of two months, but the said monthly allowance of eighteen dollars shall not be paid for a longer period than one year for any mother so remaining continuously. And to the New York Medical College and Hospital for Women, twenty-five dollars for each needy mother who has received care and obstetric attendance at her home or in the lying-in wards of the said hospital, for such care and obstetric attendance, and the further sum of eighteen dollars per month and proportionately for each fraction of a month for each mother attended at the birth of her child and domiciled at such hospital, but not for a longer period than one year, and also for each homeless or needy mother with a nursing infant who resides at said hospital at the request of or by permission of its officers and wet nurses her own infant, provided such residence shall exceed the period of two months. But such sums to the New York Medical College and Hospital for Women shall not exceed eight thousand dollars in the aggregate in any one year.

5. To the Children's Fold of The City of New York, the sum of two dollars per week for each and every orphan, half orphan and destitute child received and supported by said institution, the expense of whose support is not paid by private parties.

6. To the New York Institution for the Blind, fifty dollars for each state pupil sent to and received in said institution from said city, whose parents or guardians shall, in the opinion of the superintendent of public instruction, be unable to furnish them with suitable clothing, to be by it applied to furnishing such pupils with suitable clothing while in said institution.

7. To the Children's Aid Society, the sum of ten thousand dollars for the uses and purposes of said society. And also the sum of thirty thousand dollars to be applied to the care and education in the industrial schools of said city, of destitute children not attending the common schools in The City of New York. And also the sum of thirty thousand dollars to be applied to the support of the boys' and girls' lodging houses of the said society. To St. John's Guild, of The City of New York, the sum of thirty thousand dollars, to be applied to the maintenance and operation of its hospitals, to the support of its other charitable work and to the general uses and purposes of said society, and to the Sanitarium for Hebrew Children in The City of New York, the sum of five thousand dollars, to be applied to the support of its charitable work.

8. To the Foundling Asylum of the Sisters of Charity and to the Babies' Hospital of The City of New York, respectively, at the rate of thirty-eight cents per day for each and every foundling or infant received and maintained by them. And also for each and every homeless and needy mother with a nursing infant, who shall reside at the asylum, or at said hospital, by request of its officers, and nurses her own infant, the sum of eighteen dollars per month. To the babies' wards of the Post-Graduate Hospital in The City of New York, at the rate of thirty-eight cents per day for each and every infant received and cared for therein.

9. To the Nursery and Child's Hospital, the sum of five dollars per week for every destitute woman admitted into its lying-in wards, according to the time of the said woman's continuing under the care of the said institution, and the further sum of ten dollars per month for each and every child born in the institution or supported and maintained by said institution, whenever it may be necessary or expedient to place said child in the country, or for want of room in the institution to find accommodation for it elsewhere; and also the sum of ten dollars per month for all children received and retained in the Nursery and Child's Hospital, in the city of New York, and in like proportion for any fraction of a year for each and every destitute child which may be supported and maintained in said institution. To the New York Polyclinic Medical School and Hospital, for board, nursing and medical or surgical aid and attendance, one dollar per day for each needy and charity patient who occupies a bed in said hospital and who receives such care, support and maintenance; such payments not to exceed in the aggregate thirty thousand dollars per annum. To the New York Homeopathic College and Hospital, for board, nursing and medical or surgical aid and attendance, one dollar per day for each needy and charity patient who occupies a bed in the Flower Surgical Hospital, belonging to the said New York Homeopathic College and Hospital, and who receives such care, support and maintenance; such payment not to exceed in the aggregate twelve thousand dollars per annum. To the International Sunshine Branch for the Blind, the sum of one dollar per day for the support care and instruction of each needy child between the ages of one and eight years that shall be received, entrusted or committed to the said International Sunshine Branch for the Blind; and the number of such children so received, entrusted or committed to the said International Sunshine Branch for the Blind shall be ascertained by the examination and testimony, under oath, of the president or secretary of said International Sunshine Branch for the Blind; such payments not to exceed in the aggregate fifteen thousand dollars per annum.—As amended by Laws 1908, Chapter 65.

10. To the New York Infant Asylum, a sum of money at the rate of thirty-eight cents per day, in monthly payments, for each and every child received and maintained by said asylum; a further sum of twenty-five dollars for each homeless or needy mother who receives care and attendance in the lying-in wards of the asylum; the further sum of eighteen dollars per month, and proportionately for any fraction of a month, for each homeless and needy mother who is domiciled in the asylum and attended at the birth of her child, and resides at the asylum by the request of its officers, and wet nurses her own in-

fant; and for each other homeless or needy mother with a nursing infant who resides at the asylum by the request of its officers and wet nurses her own infant; provided, however, that in each case such residence must exceed the period of two months, and that said monthly allowance shall not be paid for a longer period than for one year for any mother so remaining.

11. To the Shepherd's Fold of the Protestant Episcopal Church in the state of New York, the sum of five thousand dollars, to be applied to the purposes and objects of said corporation.

12. To the New York Catholic Protectory, yearly, the sum of one hundred and ten dollars per capita, on the average number of persons annually maintained in its institutions; the average number of persons thus maintained shall be ascertained by the examination and testimony, under oath, of the president or secretary of said society.

13. To the Hebrew Benevolent Society of The City of New York, one hundred and ten dollars per annum and proportionately for any fraction of a year, and to the Hebrew Sheltering Guardian Society of New York one hundred and four dollars per annum, and proportionately for any fraction of a year for each orphan, half orphan and indigent child committed or entrusted to its care in pursuance of the provisions of law.

14. To the New York Juvenile Asylum, one hundred and ten dollars per annum, and proportionately for any fraction of a year, for each child, which, by virtue and in pursuance of the provisions of chapter three hundred and thirty-two of the laws of eighteen hundred and fifty-one, as amended by laws of eighteen hundred and fifty-eight, chapter forty-three, laws of eighteen hundred and sixty-three, chapter ninety-four and laws of eighteen hundred and sixty-six, chapter two hundred and forty-five, shall be entrusted or committed to the said asylum and shall be supported and instructed therein.

14-a. To the Jewish Protectory and Aid Society, one hundred and ten dollars per annum, and proportionately for any portion of a year, for each person who shall be committed to it, and maintained in its institutions.—Added by Laws 1904, Chapter 250.

15. To the Roman Catholic House of the Good Shepherd, monthly payments at the rate of one hundred and ten dollars per annum for each female, between the ages of fourteen and twenty-one, committed to it by any magistrate in accordance with chapter four hundred and nine of the laws of eighteen hundred and sixty-seven.

16. To the Magdalen Female Benevolent Asylum and Home for Fallen Women, monthly payments at the rate of one hundred and ten dollars per annum for each female, between the ages of fourteen and twenty-one years, committed to it by any magistrate, in accordance with said last mentioned law.

17. To the Protestant Episcopal House of Mercy, monthly payments at the rate of one hundred and ten dollars per annum for each female between the ages of fourteen and twenty-one years, committed to it by any magistrate in accordance with said last mentioned law.

18. To the Five Points House of Industry, the sum of fifty-two dollars per year for each and every orphan, half orphan and destitute child, not exceeding two hundred children in any one year, received and supported by said institution for each year, the expense of whose support is not paid by private parties, and in the same proportion for the part of a year.

19. To the Association for Befriending Children and Young Girls, a per capita allowance of one dollar a week for each female by it rescued, supported, instructed and trained to useful employment.

20. To the Peabody Home for Aged and Indigent Women, the sum of one hundred and fifty dollars per annum for each and every woman therein over sixty-five years of age received and supported by said institution, not exceeding, however, the sum of five thousand dollars in any one year, and to the Sloan Maternity Hospital in the City of New York, the sum of five dollars per week for every destitute woman admitted into its lying-in ward, according to the time of the said woman continuing under the care of the said institution, and the further sum of ten dollars per month for each and every child born in the institution or supported and maintained by said institution, but such sums shall not exceed eight thousand dollars in any one year. And to the New York Female Asylum for lying-in women, twenty-five dollars for each homeless and needy mother who has received care and attention in the lying-in ward of the asylum, for such care and obstetric attendance, but such sums shall not exceed eight thousand dollars in any one year.

21. To the Mothers' and Babies' Hospital, fifteen dollars for each homeless and needy mother who has received care and attention in the lying-in ward of the hospital, for such care and obstetric attendance, not to exceed three hundred patients in any one year.

22. Such other sum or sums as are, or may be by law directed or authorized to be raised and paid for charitable purposes or to private or incorporated societies, associations, asylums, hospitals, corporations, institutions, protectories, home or schools.

23. The board of estimate and apportionment are hereby authorized in their discretion to include in their annual statements and estimates the following specified sums of money for the respective purposes herein stated, namely: Four thousand dollars to be paid to the Brooklyn Hospital (formerly City Hospital); four thousand dollars to be paid to the Long Island College Hospital; four thousand dollars to be paid to the Brooklyn Homeopathic Hospital; fifteen hundred dollars to be paid to the Brooklyn Central Dispensary; fifteen hundred dollars to be paid to the Brooklyn City Dispensary; fifteen hundred dollars to be paid to the Brooklyn Eclectic Dispensary; fifteen hundred dollars to be paid to the Brooklyn Homeopathic Dispensary; five thousand dollars to be paid to the Brooklyn Eastern District Dispensary and Hospital (formerly the Williamsburgh Dispensary); fifteen hundred dollars to be paid to the Long Island College Dispensary; fifteen hundred dollars to be paid to the Gates Avenue Homeopathic Dispensary; four thousand dollars to be paid to the Brooklyn Nursery and Infants' Hospital; fifteen hundred dollars to be paid to the Brooklyn Eastern District Homeopathic Dispensary (formerly the Williamsburgh Homeopathic Dispensary); twenty-five hundred dollars to be paid to the Brooklyn Maternity (formerly Brooklyn Lying-in Asylum); twenty-five hundred dollars to be paid to the Eye and Ear Hospital of the city of Brooklyn; one thousand dollars to be paid to the Southern Dispensary and Hospital; fifteen hundred dollars to be paid to the Orthopedic Dispensary; four thousand dollars to be paid to the Saint Peter's Hospital; fifteen hundred dollars to be paid to the Saint Peter's Dispensary; two thousand dollars to be paid to the Atlantic Avenue Dispensary; one thousand dollars to be paid to the Saint Mary's Dispensary; two thousand dollars to be paid to the Brooklyn Diet Dispensary; fifteen hundred dollars to be paid to the Saint Catherine's Dispensary; four thousand dollars to be paid to the Saint Catherine's Hospital; one thousand dollars to be paid to the Helping Hand Society of Brooklyn; one thousand dollars to be paid to the Sheltering Arms Nursery of Brooklyn; four thousand dollars to be paid to the Brooklyn Home for Consumptives; four thousand dollars to be paid to the Memorial Hospital for Women and Children, four thousand dollars to be paid to the Saint Mary's General Hospital of the city of Brooklyn; fifteen hundred dollars to be paid to the Central Homeopathic Dispensary; fifteen hundred dollars to be paid to the Memorial Dispensary; fifteen hundred dollars to be paid to the Bushwick and East Brooklyn Dispensary; fifteen hundred dollars to be paid to the Dispensary of the College of Physicians and Surgeons of Saint Mary's Hospital of the city of Brooklyn; four thousand dollars to be paid to the Methodist Episcopal Hospital of the city of Brooklyn; two thousand dollars to be paid to the Saint Mary's Female Hospital; fifteen hundred dollars to be paid to the Lutheran Hospital Association of the city of New York and vicinity; four thousand dollars to be paid to the Brooklyn Throat Hospital; two thousand dollars to be paid to the Bedford Dispensary and Hospital; four thousand dollars to be paid to the St. Martha's Sanitarium and Dispensary; three thousand dollars to be paid to the Central Throat Hospital and Polyclinic Dispensary; three thousand dollars to be paid to the Long Island Throat Hospital and Eye Infirmary (formerly the Long Island Throat and Lung Hospital and People's Dispensary Association); four thousand dollars to be paid to the Norwegian Lutheran Deaconesses' Home and Hospital; two thousand and five hundred dollars to be paid to the Brooklyn Home for Aged Colored People; three thousand dollars to be paid to the St. Mary's Maternity and Infants' Home; two thousand dollars to be paid to the Memorial Training School for Nurses; four thousand dollars to be paid to the Church Charity Foundation of Long Island for its hospital; twenty-five hundred dollars to be paid to the Home of St. Giles the Cripple; three thousand dollars to be paid to the Bushwick Hospital; four thousand dollars to be paid to the Brooklyn Society for the Prevention of Cruelty to Children; two thousand dollars to be paid to the Brooklyn Training School and Home for Young Girls; fifteen hundred dollars to be paid to the dispensary of the Methodist Episcopal Hospital; twenty-five hundred dollars to be paid to the Low Maternity; fifteen hundred dollars to be paid to the Brooklyn Hospital Dispensary; two thousand dollars to be paid to the Society for the Aid of Friendless Women and Children; two thousand dollars to be paid to the Stone Maternity of Brooklyn; fifteen hundred dollars to be paid to St. Phebe's Mission; fifteen hundred dollars to be paid to the Orphan Asylum Society of the city of Brooklyn; two thousand five hundred dollars to be paid to the Industrial Home for the Blind; fifteen hundred dollars to be paid to the Brooklyn Industrial School Association and Home for Destitute Children; fifteen hundred dollars to be paid to the Industrial Home School Association of Brooklyn, eastern district; twenty-five hundred dollars to be paid to the Maternity of the Long Island College Hospital; fifteen hundred dollars to be paid to the Twenty-sixth Ward Homeopathic Dispensary; such several sums of money to be paid to the several institutions in consideration of their contracting to render and rendering medical and surgical aid and treatment to the poor of the county of Kings who may apply to them therefor; such contract to be in writing, executed on behalf of the city by the mayor and comptroller and also by the executive officers of said associations respectively, and to be approved by the counsel to the corporation of the city, to be filed annually on or before the thirty-first day of May, in the office of the city clerk.

24. Any other sum or sums which may heretofore have been duly authorized by law to be paid within The City of New York, or any part thereof, as constituted by this act, for the education and support of the blind, the deaf and dumb and juvenile delinquents, and for the care, support, maintenance and secular education of inmates of orphan asylums, protectories, homes for dependent children or correctional institutions, or to charitable eleemosynary, correctional and reformatory institutions, wholly or partly under private control for care, support and maintenance, as in such law specified. The board of estimate and apportionment may also, in its discretion, appropriate and allow moneys raised by taxation or received from any other source and properly applicable thereto, to any charitable, eleemosynary, correctional or reformatory institution, wholly or partly under private control for

the care, support and maintenance of its inmates; such payments to be made only for such inmates as are received and retained therein pursuant to rules established by the state board of charities. The board of estimate and apportionment may in any year, and from time to time, increase or diminish, the sum authorized to be paid to any institution, association, corporation or society included in the tenth paragraph of this section. The final estimate shall specify each institution by its corporate name and the sum to be paid thereto, with a reference to the laws authorizing the appropriation, and the comptroller is authorized to pay the sum to such institution upon its appearing to his satisfaction in such manner as he shall prescribe that the expenditure thereof by the institution is lawful and proper. No appropriation shall be made under this section to any corporation unless the mayor of the city, or the president of the borough in which the chief office of such corporation is situated, be notified of all meetings of its board of management, and be empowered to attend the same or designate in writing some person to do so in his behalf; but this shall not be construed as impairing any existing powers of visitation vested in the supreme court or the state board of charities, or any provisions of law requiring statements by such corporations as to their affairs.—As amended by Laws of 1903, Chapter 454, changing paragraph eighth.

Board of estimate and apportionment to audit charges against city for costs, etc.

Sec. 231. The board of estimate and apportionment is hereby authorized to audit and allow, as charges against the city, the reasonable costs, counsel fees and expenses paid or incurred, or which shall hereafter be paid or incurred by any commissioner, city magistrate, justice of the municipal court, or police justice who shall have been a successful party in the proceedings or trial to remove him from office, or who shall bring or defend any action or proceeding, in which the question as to his title to office is in any way presented or involved, or in which it is sought to convict him, or to review or prohibit any such removal or to obtain possession of his office, or by any commissioner for the proper presentation and justification of his official conduct before any body or tribunal lawfully investigating the same, and not officially recommending his removal from office. The board of estimate and apportionment and the board of aldermen are hereby authorized and directed to cause to be included in the budget for the year following such audit, an amount sufficient to pay the revenue bonds directed to be issued by the said comptroller pursuant to section one hundred and eighty-eight of this act, with all interest due or to become due thereon.—As amended by Laws 1912, Chapter 501.

Deficiencies; how provided for.

Sec. 232. The amount raised by assessment, pursuant to the provisions of chapter one hundred and ninety-one, of the laws of eighteen hundred and eighty, shall be collected and paid into the city treasury, and applied toward the payment of revenue bonds issued under said chapter. If any deficiency shall arise from any cause, and a sufficient amount shall not be realized from such assessment to pay fifty thousand dollars of the revenue bonds issued pursuant to said chapter, with the interest thereon, such deficiency shall be provided for by the board of estimate and apportionment and the board of aldermen, by including the same in the annual appropriation first made, after the amount of such deficiency, if any, shall be ascertained.

Secs. 233, 234. Repealed by Act of 1901.

Issue of certain stock and bonds authorized; transfers of appropriations.

Sec. 235. The board of estimate and apportionment may at any time, as occasion may require, authorize the issue of any stocks or bonds for the purpose of withdrawing, or taking up at maturity any stocks or bonds outstanding; but the said bonds or their proceeds shall be applied exclusively to the payment, purchase and extinction of such maturing bonds in such manner that the aggregate of the stocks or bonds of said city outstanding shall not be increased thereby for a longer period than is necessary in effecting said change.

Appropriation for prevention of contagious diseases.

Sec. 236. For the prevention of dangers from contagious or infectious diseases found to exist in any part of the city, or for the care of persons exposed to danger from contagious or infectious diseases, the board of aldermen and the board of estimate and apportionment may appropriate to the use of the health department money in excess of the annual estimate and appropriation for any year to the amount that shall be declared necessary for such purpose by resolution of the board of health; not, however, to exceed, in the aggregate, the sum of eighty thousand dollars in excess of such annual appropriation, and if any sum or sums of money shall be so appropriated by said board of aldermen and said board of estimate and apportionment in any year prior to the date of the certificate of the comptroller to the board of aldermen of the aggregate amount of the budget for such year, the amount thereof shall be added to such final estimate, and included in the tax levy in such year.

Board of estimate may transfer excess of appropriations.

Sec. 237. The board of estimate and apportionment shall have the power at any time to transfer any appropriation for any year which may be found, by the president of a borough, the head of a department or other officer having control of such appropriation, to be in excess of the amount required or deemed to be necessary for the purposes or objects thereof, to such other purposes or objects for which the appropriations in such year are insufficient, or such as may require the same. But nothing in the power thus conferred shall authorize the transfer by said board of an appropriation made for any object or purpose, in one year, to any purpose or object, whether an appropriation has been made therefor or otherwise, in any subsequent year. And any balance of appropriations remaining unexpended at the close of any fiscal year, after allowing sufficient to satisfy all claims payable therefrom, and also any balance to the credit of any account of moneys which have been or may hereafter be paid into the treasury of the city, under existing laws, appropriated or authorized to be expended for any specific purpose and which the said board of estimate and apportionment may determine not to be necessary, or to be in excess of the amount required therefor, may, at any time, but not less than sixty days after the expiration of the year for which such appropriations are made, or sixty days after the expiration of the year during which the moneys aforesaid were paid into the treasury of the city, after allowing sufficient to satisfy all claims payable from such appropriations, or which the comptroller shall certify should be paid from said moneys paid into the treasury, as aforesaid, be transferred by the comptroller, with the approval of the said board of estimate and apportionment, to the general fund of the city, and applied to the reduction of taxation. The approval by the board of estimate and apportionment of the certificate of the comptroller, as aforesaid, shall be an appropriation of the amounts therein stated to the object or purposes in said certificate specified. Nothing hereinbefore in this section contained shall be deemed to apply to such cash balances as may remain unexpended from the sale of corporate stock issued for permanent improvements, and which are no longer required for the specific purposes for which said corporate stock was issued. Where there remains a cash balance from the sale of corporate stock issued for permanent improvements, which the president of a borough, the head of a department, or other officer having control thereof, finds to be in excess of the amount required for the purposes for which such corporate stock was issued, after allowing sufficient sums to satisfy all claims payable therefrom, and when certification to that effect is made by said president of a borough, head of a department or other officer having control thereof, to the comptroller, the board of estimate and apportionment upon the recommendation of the comptroller may transfer such unincumbered cash balance to a fund, to be known as "moneys available for permanent improvements for which corporate stock may lawfully be issued," created for this purpose. The board of estimate and apportionment may apply all or any part of the above-mentioned fund to or toward the payment of the cost of any permanent improvement, which may lawfully be paid for from the proceeds of the sale of corporate stock, the disbursements from such fund to be made with the same legal force and effect as though the expenditure was from the proceeds of a sale of corporate stock. Where there remains a cash balance from the sale of corporate stock issued by authority of the board of commissioners of the sinking fund for armory purposes, which balance of cash the armory board finds to be in excess of the amount required for the purposes for which such corporate stock was issued after allowing sufficient sums to satisfy all claims payable therefrom, and when certification to that effect is made by the armory board to the board of commissioners of the sinking fund, the latter board may, upon the recommendations of the comptroller, transfer such cash balance to the fund above-mentioned known as "moneys available for permanent improvements for which corporate stock may lawfully be issued." [As amended by Laws of 1913, chap. 36.]

Appropriations out of excise moneys to home for girls.

Sec. 238. There may be paid annually, out of the excise moneys of The City of New York, to the Home for Fallen and Friendless Girls, in said city, the sum of one hundred and fifty dollars, for the support of every fallen and friendless girl received and supported by said corporation in their Home for Fallen and Friendless Girls for the year for which such payment shall be made, and a proportional sum for a shorter period in the same year.

Sec. 239. Repealed by Act of 1901.

Excise moneys; how appropriated.

Sec. 240. Said board of estimate and apportionment is authorized, from time to time, in sums according to its discretion, by resolution of said board, to appropriate from excise moneys obtained from either local or state boards or officers, for taxes or licenses for the sale of intoxicating liquors, to such benevolent or charitable institutions in said city which shall gratuitously aid, support or assist the poor thereof, as may seem to said board deserving or proper; and the comptroller shall draw his warrants in favor of such institutions respectively mentioned in such resolutions, according to the tenor thereof, and the chamberlain shall pay such warrants out of the said moneys received for licenses. The term "poor," as used in this section, shall only include persons who would otherwise become a charge upon said city, as foundlings, orphans, or such prostituted or fallen women or juvenile delinquents as may be committed to or cared for gratuitously, in or by any re-

formatory institution, protectory or juvenile asylum, and persons who are supported, relieved or cared for gratuitously, in or by any charitable institution for the care or relief of the ruptured or crippled, the cure of hip or spinal diseases, the sick, or the destitute, friendless, or infirm, including children of volunteers who died in the late civil war, and the care and instruction of idiots, the deaf and dumb, the blind and the insane. No payments shall be made, in pursuance of this section, except as a per capita allowance for the poor and destitute persons actually supported, treated, cared for, or educated in the institutions referred to in this section, except in the case of the American Female Guardian Society and Home for the Friendless, the Children's Aid Society, and the Shepherd's Fold of the Protestant Episcopal Church, which shall severally receive only the amounts as provided by other provisions of law. The said board of estimate and apportionment is also authorized, from time to time, and in sums according to its discretion, to appropriate, by resolution of said board, all moneys derived from penalties and fines, recovered pursuant to sections fourteen hundred and seventy-three, fourteen hundred and eighty-one and fourteen hundred and eighty-two of this act, and all moneys from licenses for amusements to whatever benevolent or charitable institutions may seem to such board deserving or proper; but no such resolution shall be valid unless adopted by vote of a majority of said board; and the comptroller of said city is hereby authorized and directed to draw his warrants in favor of the corporations, societies or charitable institutions, respectively mentioned in such resolution according to the tenor thereof; and the chamberlain of said city shall pay such warrants out of the said moneys received for such penalties, fines and licenses.

Appropriations for contesting office to be made for prevailing party only.

Sec. 241. No appropriation or payment for the contesting of the office of mayor or any seat in the board of aldermen or office in any department, or the office of any officer whose salary is paid from the city treasury, shall be made to any but the prevailing party. Nor shall any such appropriations or payment be made to such prevailing party except upon the written certificate of the chief officer of the law department, and of the presiding justice of the appellate division of the first department of the supreme court certifying which is such prevailing party, and the value of the services rendered in the case. In case an officer or clerk is ordered to be examined, in pursuance of law, the corporation counsel shall assign some one from his department as counsel for the officer or clerk making an application therefor.

Board of estimate and apportionment; powers with respect to certain subjects.

Sec. 242. The board of estimate and apportionment shall have power over the following subjects:

(1) To appropriate, from time to time, for the maintenance, improvement and extension of the system of water supply of the borough of Brooklyn, the moneys received from water rents in the said borough, subject, however, to the charges now imposed by law upon said revenues.

(2) To appropriate, from time to time for the maintenance of the New York and Brooklyn bridge the moneys received from the revenues of said bridge.

The board of estimate and apportionment shall have also (3) the control of all the streets, avenues, highways, boulevards, concourses, driveways, bridges, tunnels, parks, parkways, waterways, docks, bulkheads, wharves, piers and all other public grounds and waters within or belonging to the city; except as in this act otherwise provided. The powers by this act granted to the board of aldermen with respect to the streets, avenues, highways, boulevards, concourses, driveways, bridges, tunnels, parks, parkways, docks, waterways, bulkheads, wharves, piers and public grounds and waters which are within or belong to the city shall be subject to such control of the board of estimate and apportionment. If and when the board of estimate and apportionment shall deem it proper in the case of any application or matter affecting any street, avenue, highway, boulevard, concourse, driveway, bridge, tunnel, park, parkway, waterway, dock, wharf, pier or public ground or water within or belonging to the city, whether the board of aldermen or any other department or officer shall have acted or omitted to act, the board of estimate and apportionment may itself originally act or may, by amendment, revision or repeal of any resolution, ordinance, grant or other action adopted or had by the board of aldermen or any other department or officer, exercise its said power of control; and if and when the board of estimate and apportionment shall so act or exercise such control, such action or control shall be fully and finally operative, notwithstanding any resolution, ordinance, grant or other action adopted or had by the board of aldermen or any other department or officer of the city or any omission to act on the part of the board of aldermen or other department or officer. The board of estimate and apportionment shall hereafter, except in the cases where franchises, rights or contracts shall be granted or authorized pursuant to the rapid transit act, chapter four of the laws of eighteen hundren and ninety-one, and the amendments thereof, have the exclusive power in behalf of the city to grant to persons or corporations franchises or rights or make contracts providing for or involving the occupation or use of any of the streets, avenues, highways, boulevards, concourses, driveways, bridges, tunnels, parks, parkways, waterways, docks, bulkheads, wharves, piers or public grounds or waters within or belonging to the city, whether on, under or over the surface thereof, for railroads, pipe or other conduits or ways or otherwise for the transportation of persons or property or the transmission of gas, electricity, steam, light, heat or power, provided, however, that no such exercise of power by the board of estimate and apportionment shall be operative until the same shall be in writing approved by the mayor separately from and after the action of the board of estimate and apportionment; and provided, further, that this section shall not prevent the exercise by the board of aldermen of the powers expressly granted it by sections forty-nine, fifty, fifty-one and fifty-two of this act, but such exercise of powers by the board of aldermen shall in every case be subject to the control by this act granted to the board of estimate and apportionment over all the streets, avenues, highways, boulevards, concourses, driveways, bridges, tunnels, parks, parkways, waterways, docks, bulkheads, wharves, piers and all public grounds and waters, which are within or belong to the city. If and when the board of rapid transit railroad commissioners of The City of New York shall, under any of the provisions of chapter four of the laws of eighteen hundred and ninety-one or of any of the acts amending the same, conclude or determine upon the construction of any rapid transit railway or railways or adopt any route or routes, plans or specifications therefor, or if and when the said board of rapid transit railroad commissioners shall grant any right or rights, franchise or franchises or enter into any contract or contracts under any of the provisions of the said chapter four of the said laws of eighteen hundred and ninety-one or any of the said amendments thereof, the said board shall transmit to the board of estimate and apportionment a copy of any and every such determination or conclusion, grant or contract, and in case any such determination, conclusion, route, plan, specification, right, franchise, or contract, shall require or involve the use of any street, avenue, highway, boulevard concourse, driveway, bridge, tunnel, park, parkway, waterway, dock, bulkhead, wharf, pier or any public ground or water which is within or belongs to the city, the said board of estimate and apportionment shall within sixty days after the receipt by it of such copy of such determination, conclusion, grant or contract determine whether or not it will, as the local authority having the control of such street, avenue, highway, boulevard, concourse, driveway, bridge, tunnel, park, parkway, dock, waterway, bulkhead, wharf, pier or other public ground or water which is within or belongs to the city, consent or refuse to consent to such route, determination, conclusion, plan, specification, right, franchise or contract, and shall within such sixty days transmit in writing to the said board of rapid transit railroad commissioners its said determination whether of consent or refusal. Provided, however, that the said board of estimate and apportionment and the said board of rapid transit railroad commissioners may by resolution adopted by each of them extend such period of sixty days. Hereafter no consent or approval of any such determination, conclusion, route, plan, specification, right, franchise or contract by the board of aldermen or any department or officer of the city shall be necessary.—As amended by Laws 1905, Chapter 629.

Board of Estimate: Power to Regulate Height of Buildings, and to Amend, Supplement and Change Regulations.

Sec. 242-a. The board of estimate and apportionment shall have power to regulate and limit the height and bulk of buildings hereafter erected and to regulate and determine the area of yards, courts and other open spaces. The board may divide the city into districts of such number, shape and area as it may deem best suited to carry out the purposes of this section. The regulations as to the height and bulk of buildings and the area of yards, courts and other open spaces shall be uniform for each class of buildings throughout each district. The regulations in one or more districts may differ from those in other districts. Such regulations shall be designed to secure safety from fire and other dangers and to promote the public health and welfare, including, so far as conditions may permit, provision for adequate light, air and convenience of access. The board shall pay reasonable regard to the character of buildings erected in each district, the value of the land and the use to which it may be put to the end that such regulations may promote public health, safety and welfare and the most desirable use for which the land of each district may be adapted and may tend to conserve the value of buildings and enhance the value of land throughout the city. The board shall appoint a commission to recommend the boundaries of districts and appropriate regulations to be enforced therein. Such commission shall make a tentative report and hold public hearings thereon at such times and places as said board shall require before submitting its final report. Said board shall not determine the boundaries of any district nor impose any regulation until after the final report of a commission so appointed. After such final report said board shall afford persons interested an opportunity to be heard at a time and place to be specified in a notice of hearing to be published for ten consecutive days in the City Record. The board may from time to time after public notice and hearing amend supplement or change said regulations or districts but in case a protest against a proposed amendment, supplement or change be presented, duly signed and acknowledged by the owners of twenty per centum or more of the frontage proposed to be altered, or by the owners of twenty per centum of the frontage immediately in the rear thereof, or by the owners of twenty per centum of the frontage directly opposite the frontage proposed to be altered, such amendment shall not be passed except by a unanimous vote of the board.—As amended by Laws of 1916, Chap. 497.

Board of Estimate: Power as to Location of Industries and Buildings.

Sec. 242-b. The board of estimate and apportionment may regulate and restrict the location of trades and industries and the location of buildings designed for specified uses, and may divide the city into districts of such number, shape and area as it may deem best suited to carry out the purposes of this section. For each such district regulations may be imposed designating the trades and industries that shall be excluded or subjected to special regulations and designating the uses for which buildings may not be erected or altered. Such regulations shall be designed to promote the public health, safety and general welfare. The board shall give reasonable consideration, among other things to the character of the district its peculiar suitability for particular uses, the conservation of property

values, and the direction of building development in accord with a well considered plan. The board shall appoint a commission to recommend the boundaries of districts and appropriate regulations and restrictions to be imposed therein. Such commission shall make a tentative report and hold public hearings thereon before submitting its final report at such time as said board shall require. Said board shall not determine the boundaries of any district nor impose any regulations or restrictions until after the final report of a commission so appointed. After such final report said board shall afford persons interested an opportunity to be heard at a time and place to be specified in a notice of hearing to be published for ten consecutive days in the City Record. The board may from time to time after public notice and hearing amend, supplement or change said regulations or districts but in case a protest against a proposed amendment, supplement or change be presented, duly signed and acknowledged by the owners of twenty per centum or more of the frontage proposed to be altered, or by the owners of twenty percentum of the frontage immediately in the rear thereof, or by the owners of twenty percentum of the frontage directly opposite the frontage proposed to be altered, such amendment shall not be passed except by a unanimous vote of the board.—As amended by Laws of 1916, Chap. 497.

Board of estimate and apportionment; general powers.

Sec. 243. The said board of estimate and apportionmeut shall exercise such powers and perform such duties with respect to the whole territory embraced within The City of New York, as coustituted by this act, as were heretofore vested in the board of street opening and improvements of the corporation known as the mayor, aldermeu and commonalty of The City of New York, with respect to the territory included within that municipality, except so far as the same have been otherwise specifically and expressly conferred by this act. All the maps, records and proceedings of the board of public improvements relating to the subjects as to which jurisdiction is conferred hy this section upon the board of estimate and apportionment shall he transferred to, kept and maintained in the office of the board of estimate and apportionment. And the board of estimate and apportionment shall exercise such other powers and perform such other duties as are vested in or east upon It by any of the provisions of this act, or that may in accordance with the law he devolved upon it by the board of aldermen. All acts or proceedings heretofore performed or taken by the board of public improvements of The City of New York in respect to the powers hereby conferred and the duties hereby imposed upon the board of estimate and apportionment shall continue to be valid and of full force and effect unless modified, repealed or abrogated in the manner provided by law.

Streets; transfers of jurisdiction and control of.

Sec. 243-a. The board of estimate and apportionment, with the concurrence of the board of aldermen, may transfer the jurisdiction and control of any street from any department, board or office to another department, board or office. [Added by Laws of 1913, chap. 321.]

Board of estimate and apportionment; powers as to playgrounds in Brooklyn.

Sec. 244. The board of estimate and apportionment shall have power to select, locate and lay out, without the consent or approval of any otber board or officer sites for playgrounds in that part of the borough of Brooklyn, bounded as follows: Northerly by Division avenue; easterly by Lee and Bedford avenues; southerly hy Greene avenue, and westerly by Washington avenue. When a site has been so selected, located and laid out the board of estimate and apportionment shall cause three maps or plans of the same to be made, one of which shall be filed in the register's office in the county of New York, one with the clerk of the board of estimate and apportionment, and one in the office of the president of the borough of Brooklyn, and the map or plan of The City of New York shall be deemed to have been changed accordingly without any further act or proceeding by or on the part of The City of New York, or of any officer, board or department thereof. The comptroller, with the approval and authorization of the board of estimate and apportionment may purchase at private sale and upon such terms as may be agreed upon with the owner of the lands so laid out or any part thereof; or the board of estimate and apportionment may, in its discretion, authorize and direct the corporation counsel to take proceedings to acquire title to the lands thus selected, located and laid out or any part thereof. As soon as title to the said lands shall have been acquired the same shall be within the jurisdiction of the department of parks and it shall be the duty of the said department to immediately improve the said lands for the purpose of a public playground upon plans to be submitted to and approved by the board of estimate and apportionment. In order to provide means for the payment of the expenses of acquiring title to the said lands, corporate stock of The City of New York shall be authorized to be issued by the board of estimate and apportionment without the concurrence or approval of any other board or public body, to an amount not exceeding three hundred thousand dollars in any one year; and in order to improve the said lands for the purposes of playgrounds, upon application of the department of parks, corporate stock of The City of New York shall be authorized to be issued hy the board of estimate and apportionment, without the concurrence or approval of any other board or public body to an amount not exceeding fifty thousand dollars in any one year.—Added by Laws 1904, Chapter 676.

Appropriation for American Museum of Safety.

Sec. 244-a. The board of estimate and apportionment shall have power in its discretion to annually include in its final estimate, such sum as it may deem proper, not exceeding fifty thousand dollars, for the keeping, preservation and exhibition of safety devices and means and methods of safety and sanitation in the building or any part thereof in the city of New York now or hereafter occupied by the American Museum of Safety, upon condition that the collection of safety devices and the means and methods of sanitation exhibited in said building occupied or to be occupied by the American Museum of Safety, shall be kept open and accessible to the public hereafter free of all charge throughout the year, five days in each week, one of which shall be Sunday afternoon, and also for two evenings in each week, within such hours and subject to such rules and regulations as may be determined by the trustees of said museum; and also that on the two days in each week during which said museum may remain closed to the general public it shall be open and accessible to students, schools and societies organized for the purpose of promoting means and methods of safety and sanitation within such hours and subject to such rules and regulations as may be determined by the trustees of said museum; and also that the trustees of said American Museum of Safety shall, between the months of October and July in each year, publish and disribute among such schools of the state of New York as may be designated by the commissioner of education and the commissioner of labor, manuals of safety and hygiene and reading lectures on accident prevention and industrial hygiene for instruction as to the ways and means of preventing accidents and as to industrial home and school hygiene.—As amended by Laws of 1914, chap. 406.

Appropriation for Observance of Memorial Day.

Sec. 245. The board of estimate and apportionment shall have power in its discretion to annually include in its final estimate such sum as it may deem proper for the due observance of Memorial day to be expended by the memorial committee of the Grand Army of the Republic and the United Spanish War Veterans and Army and Navy Veterans in the various boroughs of said city, or in such other manner as to the said board of estimate and apportionment shall seem proper. As amended by Laws of 916, Chap. 115

Power to exchange land under water no longer used for public purposes.

Sec. 245-a. The board of estimate and apportionment shall have power to lay out sewer drainage canals and acquire title to lands necessary therefor, by exchanging and conveying lands under water in creeks, tributaries thereto, ditches, ponds and bays no longer required by the city of New York for public purposes, for lands of private owners within the lines of the sewer drainage canal so laid out and to take deeds and conveyances, but no such exchange shall be made to or with any owner or owners whose upland does not abut, bound or adjoin the lands under water to be exchanged, nor shall the said board of estimate and apportionment make such exchange of said lands under water until such department, board, commission, body or officer of the city of New York having under control or supervision the said lands under water, shall have first certified to the board of estimate and apportionment that the said lands to be exchanged are no longer necessary or are required for public purposes, and in the exchange of said lands all right, title and interest of private owners in that portion of creeks, tributaries thereto, ditches, ponds and bays not abutting, bounding or adjoining lands under water so exchanged, shall be deeded and delivered to The City of New York, and by resolution the said board of estimate and apportionment shall authorize such exchange, and the corporation counsel of The City of New York shall thereupon, by the direction of the board of estimate and apportionment, prepare and certify the forms of all legal instruments and deeds necessary on the part of The City of New York to effect such exchange in law, and the said board of estimate and apportionment shall designate and authorize the proper official or officials to execute and deliver all legal instruments and deeds necessary to effect such exchange as aforesaid. The land so acquired by the exchange shall be assigned to the department requiring the use of the same, upon proper application therefor.—Added by Laws 1909, Chapter 516.

Powers of former boards as to sale of lands, etc., under water vested in board of estimate.

Sec. 245-b. All acts, powers and proceedings relating to selling, transferring or exchanging of the lands under water in the creeks, tributaries thereto, ditches, ponds and bays, and such other powers as are set forth in chapter six hundred and thirty-eight of the laws of eighteen hundred and ninety-five, are hereby devolved upon and such authority as is set forth in said chapter is hereby vested in the board of estimate and apportionment of The City of New York.—As added by Laws 1909, Chapter 516.

Claims against city; power of board of estimate to pay or compromise on equitable grounds, although illegal.

Sec. 246. The board of estimate and apportionment may, in its discretion inquire into, hear and determine any claim against The City of New York which has been certified to said board in writing by the comptroller as an illegal or invalid claim against the city, but which, notwithstanding, in his judgment it is equitable and proper for the city to pay in whole or in part, and if upon such inquiry the board by an unanimous vote determines that the city has received a benefit and is justly and equitably obligated to pay such claim and that the interests of the city will be best subserved by the payment or compromise thereof, it may authorize the comptroller to pay the claim and the comptroller shall thereupon pay the claim in such amoun as the board of estimate and apportionment shall so determine to be just, in full satisfaction of such claim, provided that the claimant shall fully release the city upon any such payment, in such form as shall be approved by the corporation counsel. The provisions of this section shall not authorize the audit or payment of any claim barred by the statute of limitations, nor any claim for services performed under

an appointment in violation of any provision of the civil service law. For the purpose of carrying out the provisions of this section, it shall be the duty of the comptroller of The City of New York on being thereunto authorized by the said board of estimate and apportionment to issue and sell corporate stock or certificates of indebtedness or other evidences of indebtedness, issued pursuant to the provisions of section one hundred and eighty-seven of this act, of The City of New York in such amounts as may be necessary and at such a rate of interest as may be fixed by said comptroller. No consent or approval of any board or public body other than the said board of estimate and apportionment shall be necessary to authorize the comptroller to issue such stock or certificates of indebtedness or other evidences of indebtedness, issued pursuant to the provisions of section one hundred and eighty-seven of this act, for the purposes of this section.—As amended by Chapter 683, Laws 1910.

Board of estimate and apportionment; power with respect to certain public improvements.

Sec. 247—Before a public improvement of any kind (except an improvement to be made pursuant to the rapid transit act) involving the acquisition or the physical improvement of property for streets, public places, parks, bridges, approaches to bridges, for the disposal and treatment of sewage or the improvement of the waterfront, or involving both such acquisition and physical improvement of property, which acquisition or physical improvement, or both, is estimated to cost the sum of fifty thousand dollars or more, shall be authorized, the board of estimate and apportionment may determine in what manner and in what shares and proportions the cost and expense of the acquisition or physical improvement, or both, shall be paid by the city of New York, by one or more boroughs thereof, by a part or portion of one or more boroughs thereof, or by the respective owners, lessees, parties and persons respectively entitled unto or interested in the lands, tenements, hereditaments and premises not required for the said improvement, which said board shall deem peculiarly benefited thereby.

If said board shall determine that the cost of such acquisition or physical improvement, or both, shall be apportioned between or among the city of New York, one or more boroughs thereof, a part or portion of one or more boroughs thereof, or the respective owners, lessees, parties and persons respectively entitled unto or interested in the lands, tenements, hereditaments and premises not required for the said improvement which said board shall deem peculiarly benefited thereby, the said board may also determine in what manner and in what proportion the cost and expense of such acquisition or physical improvement, or both, shall be borne either by the city of New York, by one or more boroughs thereof, or by the respective owners, lessees, parties and persons respectively entitled unto or interested in the lands, tenements, hereditaments and premises not required for the said improvement, which said board shall deem peculiarly benefited thereby.

The said board shall afford persons interested an opportunity to be heard at a time and place to be specified in a notice of hearing, to be published for ten consecutive days in the City Record. After the due publication of such notice and after hearing protests and objection, if any there be, the said board may make such determination.

In case said board shall determine that the cost of such acquisition or physical improvement, or both, shall be paid in whole or in part, by a borough or boroughs, the said board may also in its discretion determine that all or any part or portion of such cost and expense, both for the acquisition of property and the cost of the physical improvement shall be levied and collected with the taxes upon the real property in said borough or boroughs becoming due and payable in the year in which the cost and expense of the improvement shall have been fixed and determined or in the next succeeding year. When the cost and expense of such an improvement which is thus to be levied and collected shall have been apportioned, fixed and determined, the comptroller of the city of New York shall certify to the board of assessors, the department of taxes and assessments and such other boards, departments and officers as may be necessary, the amount to be collected and the area upon which such cost and expense is to be imposed.

When the board of estimate and apportionment shall have determined that all or any part or portion of the cost and expense of any such improvement shall be levied and collected with the annual taxes as above provided for, then all provisions of law with reference to the imposing, levying and collecting of taxes and assessments and the penalties for the nonpayment thereof shall be applicable thereto.

In the discretion of the board of estimate and apportionment it may direct that the cost and expense of such an improvement which is to be paid in whole or in part by the city or by a portion of the city or by a borough or boroughs or by a portion of a borough of boroughs, or by the respective owners, lessees, parties and persons respectively entitled unto or interested in the lands, tenements, hereditaments and premises not required for the said improvement which said board shall deem peculiarly benefited thereby, may be assessed upon the property benefited by such improvement and that such assessment may be payable in equal yearly installments not exceeding five. Such an assessment, whether payable in one payment or in installments, shall be and become a lien for the amount thereof upon the property affected thereby at the time and in the manner specified in section ten hundred and seventeen of this act. When the board shall determine that such an assessment may be paid in installments, then the first installment of such an assessment, with interest thereon at the rate of five per centum per annum from the date of confirmation thereof, shall be due and payable one year from the date when it became a lien and the remaining installment, with such interest, shall be due and payable annually thereafter. Any installment may be paid at any time with interest at the rate of five per centum per annum to the date of payment. If any such installment be not paid within three years after the date when the same is due and payable, the entire assessment shall become due and payable and must be collected and the tax lien therefor may be sold and enforced.

Upon affording persons interested an opportunity to be heard as herein provided, the board of estimate and apportionment may, in its discretion, reconsider its action with respect to proceedings the assessment for which shall not have been confirmed, and may make a new determination concerning the same in conformity with the provisions of this section.

The comptroller is authorized to borrow, from time to time, on the credit of the corporation, in anticipation of the collection of the cost and expense of any such acquisition or physical improvement, such sums as may be necessary to meet expenditures to be made therefor, and issue for the moneys so borowed cetificates of indebtedness or other evidence of indebtedness to be redeemed in the same manner as similar obligations of said corporation.—As amended by Laws of 1916, Chap. 512.

TITLE VI.

LEVYING TAXES.

Deficiences; amount of to be included in annual estimate.

Sec. 248. The board of estimate and apportionment shall, in addition to such other amounts as it is required by law to provide and as in its discretion it provides for public purposes in the city of New York and the several counties wholly contained in its territorial limits, annually include in its final estimate the following sum, which shall annually be raised and appropriated: A sum equal to so much of the deficiency on the preceding first day of January, in the product of taxes theretofore levied and deemed by the board to be uncollectible, as shall not have been provided for in prior tax levies or by the issue of corporate stock of the city of New York, or by such corporate stock duly authorized by said board to be issued.

The board of estimate and apportionment shall have the power, upon the advice of the corporation counsel with the concurrence of the comptroller, to direct the receiver of taxes to cancel of record all personal assessments the tax of which the said board shall determine to be uncollectible, and to mark the records in the office of the comptroller in accordance therewith, which said uncollectible taxes shall no longer be deemed or carried as an asset of the city of New York.

To carry into effect the provisions of this act, the corporation counsel shall, from time to time, prepare and submit to said board a statement in such detail as may be necessary to enable said board to make the determination herein provided for. (As amended by Chapter 601, Laws of 1915.)

Aggregate amount apportioned to be certified to board of aldermen and raised.

Sec. 249. The aggregate amount estimated by the board of aldermen and the board of estimate an apportionment, in the annual budget, shall be certified by the comptroller to the board of aldermen; and it shall be the duty of said board of aldermen and they are hereby empowered and directed annually to cause to be raised, according to law, and collected by tax upon the estates, real and personal, subject to taxation within The City of New York, the amount so certified as aforesaid.

CHAPTER VII.

LAW DEPARTMENT.

Corporation counsel to be the head of the law department; duties; salary.

Sec. 255. There shall be a law department of The City of New York, the head whereof shall be called the corporation counsel, who shall be the attorney and counsel for The City of New York, the mayor, the board of aldermen and each and every officer, board and department of said city, except as otherwise herein provided. The salary of the corporation counsel shall be fifteen thousand dollars a year. The corporation counsel shall have charge and conduct of all the law business of the corporation and its departments and boards, and of all law business in which The City of New York is interested, except as otherwise herein provided. He shall have charge and conduct of the legal proceedings necessary in opening, widening, altering and closing streets, and in acquiring real estate or interests therein for the city by condemnation proceedings, and the preparation of all leases, deeds, contracts, bonds and other legal papers of the city, or of, or connected with, any department, board or officer thereof, and he shall approve as to form all such contracts, leases, deeds, bonds and other legal papers; provided, however, that he shall not institute any proceeding for acquiring title to real estate by condemnation proceedings, except for opening streets, unless the same shall have been approved by the board of estimate and apportionment upon a statement to be furnished said board of the valuation of such real estate as assessed for purposes of taxation; and provided, further, that the board of estimate and apportionment shall have power by a majority vote to direct such changes to be made in the forms of contracts and specifications as may seem to promote the interests of the city. He shall be the legal adviser of the mayor, the board of aldermen, the presidents of the boroughs and the various departments, boards and officers, except as otherwise herein provided, and it shall be his duty to furnish to the mayor, the board of aldermen, the presidents of the boroughs and to every department, board and officer of the city all such advice and legal assistance as counsel and attorney in or out of court as may be required by them or either of them, and for that purpose the corporation counsel may assign an assistant or assistants to any department that he shall deem to need the same. No officer, board, or department, of the city, unless it be herein otherwise especially provided, shall have or employ any attorney or counsel, except where a judgment or order in an action or proceeding may affect him or them individually or may be followed by a motion to commit for contempt of court, in which case he or they may employ and be represented by attorney or counsel at his own or their own expense. The corporation counsel, except as otherwise herein provided, shall have the right to institute actions in law or equity, and any proceedings provided by the code of civil procedure or by law in any court, local, state or national, to maintain, defend and establish the rights, interests, revenues, property, privileges, franchises or demands of the city or of any part or portion thereof, or of the people thereof, or to collect any money, debts, fines or penalties or to enforce the laws and ordinances. He shall not be empowered to compromise, settle or adjust any rights, claims, demands or causes of action in favor of or against The City of New York; provided, however, that this inhibition shall not operate to limit or abridge the discretion of the corporation counsel in regard to the proper conduct of the trial of any proceeding or action at law, or to deprive said corporation counsel of the powers or privileges ordinarily exercised in the course of litigation by attorneys-at-law when acting for private clients. He shall not permit, offer or confess any

judgment against the city, or accept any offer of judgment in favor of the city without the previous written approval of the comptroller; and in case of any claim for a money judgment exceeding ten thousand dollars, or for relief other than in the nature of a money judgment, the previous written approval of the mayor shall be also necessary.

Corporation counsel's power of appointment.

Sec. 256. The corporation counsel may appoint, and at pleasure remove, as many assistants to the corporation counsel as are necessary to the discharge of the duties of the law department, and he may appoint and at pleasure remove such clerks, assistants and subordinates as are requisite to the discharge of the business of the department, giving to his appointees such titles or designations as he may deem appropriate for their services, respectively. The corporation counsel may also appoint and at pleasure remove a first assistant corporation counsel who shall during the absence or disability of the corporation counsel possess all the powers and perform all the duties of the corporation counsel. In the event of the death of the corporation counsel said first assistant shall act as corporation counsel until the appointment and qualification of the successor to such deceased corporation counsel. Any assistant corporation counsel shall, in addition to his other powers, possess every power and perform all and every duty belonging to the office of the corporation counsel, or so much of such duties as the corporation counsel may deem it necessary to delegate whenever so empowered by said corporation counsel by written authority, designating therein a period of time, not extending beyond three months, nor beyond the term of office of said corporation counsel, during which such power and authority may be exercised; such designation and authority must be duly filed and remain on record in the law department, and may be revoked at any time. Neither the corporation counsel nor any of his assistants shall appear as attorney or counsel in any action or litigation except in the discharge of his official duties, nor accept an appointment as referee or receiver in any action or proceeding, but the corporation counsel may in his discretion appear or direct any of his assistants so to do in any action or proceeding, criminal or civil, brought against any officer, subordinate or employee in the service of The City of New York, or of any of the counties embraced therein, by reason of any acts done or omitted while in the performance of his duty by such officer, subordinate or employee, whenever said appearance is requested by the head of the department, office or bureau in which said officer, subordinate or employee is employed.—As amended by Laws 1905, Chapter 525.

Branch offices.

Sec. 257. In addition to the main office of the corporation counsel, which shall be located in the borough of Manhattan, he shall have an office in the borough of Brooklyn and, in his discretion, may maintain an office in the borough of The Bronx, the borough of Queens and the borough of Richmond, or either of them.

Bureaus.

Sec. 258. The corporation counsel may establish such bureaus for divisions of service in the law department as he may judge most conducive to the efficient discharge of duty. There shall be a bureau in the law department to be known as the "bureau of street openings." It shall have charge under the direction of the corporation counsel of such legal proceedings to open, widen, alter or close streets and parks, and to acquire title to or extinguish interests in real estate therefor, and of all such other proceedings involving awards for damages or assessments for benefit to lands, tenements and hereditaments as may be assigned to it by the corporation counsel. The corporation counsel shall appoint and remove, at will, the head of said bureau and all other employees thereof, and shall regulate their salaries and compensation. The assistants to the corporation counsel assigned to such bureau, shall conduct in his behalf, and subject to his direction and control, all legal proceedings so assigned, and shall also act as clerks to the commissioners of estimate or the commissioners of estimate and assessment in all such proceedings without compensation therefor other than their salaries. Such bureau shall furnish to the commissioners of estimate or the commissioners of estimate and assessment in each proceeding, suitable offices and all the assistance which they may require in preparing their preliminary abstracts of estimate or of estimate and assessment, and their final reports for presentation to the supreme court for confirmation. The compensation of the head of said bureau and of all other employees thereof, and all the legal costs, charges, expenses and disbursements incurred by said bureau on account of such proceedings, shall be divided proportionately, as nearly as practicable, to the services rendered or expense incurred in each of said proceedings, and shall be included in the assessment for benefit to be imposed by the commissioners of estimate or the commissioners of estimate and assessment in each proceeding as part of the costs, charges and expenses thereof, after the same shall have been taxed by the court in the manner now provided by law for the taxation of such costs, charges, expenses and disbursements; but the compensation of the employes of said bureau and the necessary charges, expenses and disbursements thereof, shall be chargeable to and shall be paid monthly, in the first instance by the comptroller of The City of New York, out of the fund known as "the fund for street and park openings," created by chapter one hundred and seventy-three of the laws of eighteen hundred and eighty-five, and the acts amendatory thereof and supplemental thereto, upon payrolls and vouchers duly certified by the corporation counsel. The assistant clerks or other appointees, of this bureau, engaged in the transaction of business or duties pertaining to the borough of Brooklyn, may have their office in the borough hall or public building of the borough of Brooklyn and if, in the judgment of the corporation counsel it be convenient and advisable, such of the assistants, clerks or other appointees of this bureau as may be engaged in the transaction of business pertaining to the borough of The Bronx, the borough of Richmond or the borough of Queens, may likewise have an office in either of said boroughs.

Division of real estate.

Sec. 258-a. There shall be a division in the bureau of street openings known as the "Division of Real Estate," and it shall have charge under the direction of the assistant corporation counsel in charge of the bureau of street openings, of all conveyances of lands in streets under section nine hundred and ninety-two and nine hundred and ninety-four of the charter; as well as the examination of the title of all land conveyed, ceded or given to the city. The corporation counsel shall appoint or designate one of his assistants as head of said division, with such clerks, title examiners, and other employees as may be required, and he shall fix and regulate the salaries of all employees of this division. Salaries of all said employees shall be paid by the city of New York.—Added by Laws 1912, Chapter 435.

Bureau for recovery of penalties.

Sec. 259. There shall be a bureau in the law department for the recovery of penalties for the violation of any law or municipal ordinance, to be called the "bureau for the recovery of penalties." All actions for such recovery shall be brought in the name of The City of New York, and not in that of any department, except where otherwise provided by this act. The assistant corporation counsel assigned to this bureau in the main office, or in the branch office located in any borough, shall not receive for his own use any fees or emoluments in addition to his salary, and he shall pay into the city treasury all costs and commissions received by him from any source whatever; such payments shall be made monthly, and shall be accompanied by a sworn statement in such form as the comptroller shall prescribe. A statement of the costs, commissions, fines and penalties collected, shall be published in the City Record monthly. All fines or moneys, from whatever source, received by the head of this bureau, shall be paid into the treasury of the city, except as otherwise specifically provided by law. The assistant corporation counsel assigned to this bureau in the main office, or in the branch office located in any borough, subject only to the approval of the corporation counsel, may settle, compromise, adjust, or discontinue, any action brought to recover a penalty in the name of The City of New York or any department, board, bureau, or officer thereof provided that the penalty sued for does not exceed the sum of one hundred dollars.

Bureau for collection of arrears of personal taxes.

Sec. 260. There shall be a bureau in the law department for the collection of arrears of personal taxes to be called the "bureau for the collection of arrears of personal taxes." The assistant corporation counsel assigned to this bureau shall give a bond to The City of New York, with one or more sureties, to be approved by comptroller and corporation counsel, in the penal sum of ten thousand dollars, conditioned for the faithful performance of the duties of the office and the payment over of all taxes collected by him, which shall be filed in the comptroller's office, and he and his bondsman or bondsmen shall be responsible to the corporation therefor.

Presentation of claims to be pleaded.

Sec. 261. No action or special proceeding, for any cause whatever, shall be prosecuted or maintained against the city of New York, unless it shall appear by and as an allegation in the complaint or necessary moving papers that at least thirty days have elapsed since the demand, claim or claims upon which such action or special proceeding is founded were presented to the comptroller of said city for adjustment, and that he has neglected or refused to make an adjustment or payment thereof for thirty days after such presentment; and in the case of claims against said city, accruing after the passage of this act, for damages for injuries to real or personal property, or for the destruction thereof, alleged to have been sustained by reason of the negligence of, or by the creation or maintenance of a nuisance by, said city, or any department, board, officer, agent or employee thereof, no action thereon shall be maintained against said city unless such action shall be commenced within one year after the cause of action therefor shall have accrued, nor unless notice of the intention to commence such action and of the time when and place where the damages were incurred or sustained, together with a verified statement showing in detail the property alleged to have been damaged or destroyed, and the value thereof, shall have been filed with the comptroller of said city within six months after such cause of action shall have accrued.—As amended by Laws 1912, Chapter 452.

Jurisdiction of actions against the city.

Sec. 262. All actions wherein The City of New York is made a party defendant shall be tried in that county within The City of New York in which the cause of action arose, or in the county of New York, subject to the power of the court to change the place of trial in the cases provided by law.

Service of process.

Sec. 263. All process and papers for the commencement of actions and legal proceedings against The City of New York shall be served either upon the mayor, the comptroller or the corporation counsel.

Issuance of execution.

Sec. 264. No execution shall be issued upon any judgment recovered against The City of New York until after ten days' notice, in writing, of the recovery of such judgment shall have been given to the comptroller.

Bills of costs in condemnation proceedings.

Sec. 265. No bills of costs for fees of commissioners in and about special proceedings instituted for the acquisition of the title to lands required by The City of New York for public purposes, shall, unless the same be payable by law from the fund for street and park openings, be taxed by the supreme court prior to the confirmation of the report of the commissioners appointed in such proceedings. —As amended by the Laws of 1902, Chapter 84.

CHAPTER VIII.

POLICE DEPARTMENT.

Police commissioner; salary; deputies; salaries, etc.

Sec. 270. The head of the police department shall be called the police commissioner, who shall be appointed by the mayor, and shall, unless sooner removed, hold office for the term of five years, and until his successor shall be appointed and has qualified. The said commissioner may, whenever, in the judgment of the mayor of said city or the governor, the public interests shall so require, be removed from office by either, and shall be ineligible for reappointment thereto. The successors in office of the said commissioner shall also be appointed by the mayor of the city within ten days after any vacancy shall occur, and shall be removed by either the mayor or governor whenever the public interests so require. The salary of said police commissioner shall be seventy-five hundred dollars a year. The said commissioner shall have the power to appoint, from the citizens of the United States and residents of the said city, and at pleasure remove, five deputies, to be known as first deputy commissioner, second deputy commissioner, third deputy commissioner, fourth deputy commissioner and fifth deputy commissioner. The first deputy commissioner shall, during the absence or disability of the commissioner, possess all the powers and perform all the duties of the commissioner except the power of making appointments and transfers. In the absence or disability of both the commissioner and the first deputy commissioner, the second deputy commissioner shall possess all the powers and perform all the duties of the commissioner except the power of making appointments and transfers. In the absence or disability of the commissioner, the first deputy commissioner and the second deputy commissioner, the third deputy commissioner shall possess all the powers and perform all the duties of the commissioner except the power of making appointments and transfers. In the absence or disability of the commissioner, the first deputy commissioner, the second deputy commissioner and the third deputy commissioner, the fourth deputy commissioner shall possess all the powers and perform all the duties of the commissioner except the power of making appointments and transfers. In the absence or disability of the commissioner, the first deputy commissioner, the second deputy commissioner, the third deputy commissioner and the fourth deputy commissioner, the fifth deputy commissioner shall possess all the powers and perform all the duties of the commissioner except the power of making appointments and transfers. The commissioner shall define the duties of the deputy commissioners, and may delegate to either of them any of his powers except the power of making appointments and transfers. The board of estimate and apportionment may from time to time, in its discretion, fix the salaries of the police commissioner, the first deputy commissioner, the second deputy commissioner, the third deputy commissioner, the fourth deputy commissioner and the fifth deputy commissioner, or the salary of either of them. The comptroller of the city of New York is hereby authorized and directed to issue special revenue bonds under the provisions of section one hundred and eighty-eight of chapter four hundred and sixty-six of the laws of nineteen hundred and one in an amount sufficient to provide for the payment of the salary of the fourth deputy commissioner during the current fiscal year, and to provide for the payment of the increases, if any, which may be made in the salaries of the police commissioner, the first deputy commissioner, the second deputy commissioner, the third deputy commissioner and the fourth deputy commissioner during the current fiscal year. (As amended by Chapter 164, Laws of 1915.)

Police commissioner; authority.

Sec. 271. The said police commissioner shall have cognizance and control of the government, administration, disposition and discipline of the said police department, and of the police force of said department.

Id.; to make and enforce rules and regulations.

Sec. 272. The said police commissioner shall make, adopt and enforce such rules, orders and regulations, and do all such other acts as may be reasonably necessary to effect a prompt and efficient exercise of all powers conferred by law, and the performance of all duties imposed by law upon the said commissioner or the said department, or upon any part of or person in said department. But said commissioner shall do no act which is contrary to or inconsistent with this act.

Boards and officers abolished and forces consolidated.

Sec. 273. Except as herein otherwise expressly provided, the police department, the board of police and the offices of the police commissioners of The City of New York, provided for by the New York City consolidation act of eighteen hundred and eighty-two, and the acts amendatory thereof, the office of commissioner of police and excise of The City of Brooklyn, the board of police commissioners for Long Island City and the board of commissioners of police for the county of Richmond are hereby abolished. The respective police forces and departments heretofore existing in the said cities and the said county, including the park police of the mayor, aldermen and commonalty of The City of New York, and the park police of the city of Brooklyn, and the police force of the New York and Brooklyn bridge are hereby consolidated into one department and force to be constituted, controlled and administered as provided in this chapter.

Police department; powers and authority transferred to.

Sec. 274. All the rights, powers, authority, duties and obligations, immediately heretofore by law vested in or imposed upon the police departments, or either of the boards or commissioners mentioned in the last above section, shall forthwith by force of and as an effect of this chapter be transferred to and continue in the police department created by this act except in so far as the same shall be contrary to or inconsistent with the provisions of this chapter. All the rights, powers, authority, duties and obligations relative to, or connected with the appointment, control or cognizance of any police force immediately heretofore by law vested in or imposed upon the commissioners of public parks in The City of New York, the department of parks of the city of Brooklyn, and the board of trustees of the New York and Brooklyn bridge, shall forthwith, by force of, and as an effect of this chapter be transferred to and continued in the police department created by this act, except in so far as the same shall be contrary to or inconsistent with the provisions of this chapter.

Property to vest in The City of New York and be managed by police department.

Sec. 275. All money, funds and property, and all rights and title to and interest in, and possession of and control over and all rights to the use and possession of any moneys, funds or property, which when this act takes effect, shall be vested in, held or exercised by the department, or either of the boards or commissioners, mentioned in section two hundred and seventy-three of this act, or which shall then be applicable to, or used for the purpose of, or in the maintenance of, or in connection with the functions or duties of either of the respective police forces appointed by the commissioners of public parks in The City of New York, the department of parks of the city of Brooklyn, or the said trustees of the New York and Brooklyn bridge, shall forthwith by force of and as an effect of this chapter, be and become vested in The City of New York, and the same shall be held, exercised, managed, controlled, used and applied by, and under the direction of the police department created by this act until it is otherwise lawfully provided. No such money, funds or property shall, however, be used for or applied to any purpose different in kind from that for or to which the same might theretofore have been lawfully used or applied, until such different use or application shall first have been lawfully authorized.

Police force; composition.

Sec. 276. Until otherwise provided by the board of estimate and apportionment, upon the recommendation of the mayor and the police commissioner, the police force in the police department created by this chapter, shall consist of the following members, to wit: Captains of police, not exceeding in number one to each fifty of the total number of patrolmen, except in the rural portion of the city, in addition to the number detailed to act as inspectors, as hereinafter provided; lieutenants of police, not exceeding four in number to each fifty of the total number of patrolmen; sergeants not exceeding four in number to each fifty patrolmen; the members of the telegraph force as specified in section two hundred and seventy-seven of this act, the telegraph operators to rank as lieutenants of police; the superintendents and inspectors of boilers as specified in section three hundred and forty-two of this act; surgeon of police, not exceeding forty in number, one of whom shall be chief surgeon; and patrolmen to the number of seven thousand eight hundred and thirty-nine. The deputy chiefs of police who shall have been in said office prior to April twenty-second, nineteen hundred and one, shall become captains of police, with the salaries of deputy chiefs, and the rights granted to deputy chiefs in respect to the relief pension fund. The rank or grade of inspector of police is hereby abolished and the inspectors of police who hold such office when this act takes effect shall become captains of police with the same salaries and the same rights in respect to the relief pension fund as inspectors of police were entitled to on the first day of February in the year nineteen hundred and seven. Those members of the police force who have heretofore been designated as sergeants of police shall hereafter be designated as lieutenants of police, and those members of the police force who have heretofore been designated as roundsmen shall hereafter be designated as sergeants. This change in the designation of ranks or grades shall in no way affect the respective rights as to pay and pension of those members of the police force in those ranks or grades which are hereby renamed. The rank or grade of doorman of police is abolished and the doormen of police now in office shall become and have all the rights and privileges of patrolmen. Time served as doorman shall for all purposes count as if served as patrolman.—As amended by Laws 1912, Chapter 449.

Chief lineman of police department; compensation.

Sec. 276a. There is created in the telegraph force of the police department an officer to be known as chief lineman or foreman of construction of telegraph, to be selected from among the members of the uniform force of roundsman, patrolman or doorman and lineman, who were serving in that capacity on January first, eighteen hundred and ninety-eight, said chief lineman or foreman of construction

to be selected and appointed after an open and competitive examination as required by section three hundred and four of the Greater New York charter, and shall be subject to all rules and regulations governing the other members of the forces and shall be entitled to all benefits and privileges heretofore extended to each member of the force with regard to a pension, and shall not be removed or dismissed except in the manner prescribed for other members of the force, and the time now served in said force as far as relates to a pension shall count and continue as chief lineman or foreman of construction. The salary of chief lineman shall not be less than twelve hundred dollars nor exceed fifteen hundred dollars per annum.—Added by Laws 1904, Chapter 732.

Transfers of Members of the Police Force of the Board of Water Supply to the Police Department of The City of New York.

Sec. 276-b. The members of the police force of the board of water supply of The City of New York, upon the termination of their service on such force by reason of the completion of the work for which they were appointed by said board of water supply, shall be severally eligible for transfer to the position of patrolman in the police department of The City of New York, upon the written request is each case of the board of water supply, accompanied by the consent, also in writing, of the person to be transferred, and the further consent of the police commissioner of The City of New York. The time served as a member of said board of water supply police force shall be included and counted as service in the police department of The City of New York, in determining salary and eligibility for advancement, promotion, retirement and pension as hereinafter provided, provided, however, that no person becoming a member of the police department of The City of New York in the manner herein provided, shall be entitled to participate in the benefits of the relief or pension fund of the police department, unless he shall pay into such fund the total sum that he would have been required to pay in order to participate therein had he been a member of such force from the time he entered the service of such board of water supply, and provided further, that no person not a member of the police force of the board of water supply at the time this act shall take effect shall be eligible for transfer to the position of patrolman in the police department of The City of New York in accordance with the provisions of this act. The provisions of this act shall not be subject to any restriction relative to transfers contained in the civil service law or in the rules and regulation of the civil service commission of the state, or any subdivision thereof.—As added by Laws of 1914, Chapter 424.

Id.; members of former forces in New York city transferred.

Sec. 277. The members of the police force of The City of New York and the members of the police force appointed by the commissioners of public parks in said city, as said forces are provided for by sections two hundred and sixty-five and six hundred and ninety of the New York city consolidation act of eighteen hundred and eighty-two, and by the statutes amendatory of and supplementary to said sections, who shall be such members of said forces respectively when this act takes effect, shall be members of the police force specified in section two hundred and seventy-six of this act. The employes of the telegraph force of the police department, of the mayor, aldermen and commonalty of The City of New York who are in office when this act takes effect, shall take the same rank in the police force specified in section two hundred and seventy-six of this act as the telegraph force of the police department of the city of Brooklyn has under existing laws; provided, however, that until otherwise ordered by the police commissioner, the superintendent of telegraph of the police force of the mayor, aldermen and commonalty of The City of New York shall be superintendent of telegraph for the police force specified in said section two hundred and seventy-six of this act; and the deputy superintendent of telegraph of the police force of said, the mayor, aldermen and commonalty of The City of New York, shall be deputy superintendent of telegraph in the central office in the borough of Manhattan; and the superintendent of telegraph of the police force of the city of Brooklyn shall be superintendent of police telegraph for the borough of Brooklyn.

Id.; members of former forces in Brooklyn transferred.

Sec. 278. The superintendent and deputy superintendent of police, and each inspector, captain, sergeant, detective-sergeant, roundsman, patrolman, doorman, bridge-keeper, police surgeon, superintendent of telegraph and telegraph operator, who is, when this act takes effect in, of, or attached to the police force of the city of Brooklyn, or the police force appointed by the department of parks of said city, or the police force appointed by the board of trustees of the New York and Brooklyn bridge, pursuant to section eight of chapter three hundred of the laws of eighteen hundred and seventy-five, and the acts amendatory thereof, or supplementary thereto, shall be members of the police force specified in section two hundred and seventy-six of this act.

Id.; members of former force in Long Island City transferred.

Sec. 279. The lawfully appointed captain, sergeant and patrolmen of the police force of Long Island City, who shall be such when this chapter takes effect, shall be members of the police force, specified in section two hundred and seventy-six of this act.

Id.; members of former force in Richmond county transferred.

Sec. 280. The captain and each sergeant, roundsman and patrolman of the police force of the county of Richmond, or of any town or village in that part of the county of Queens included in The City of New York, as hereby constituted, shall be members of the police force specified in section two hundred and seventy-six of this act.

Police commissioner; authority over members transferred by preceding sections; rank of transferred members.

Sec. 281. The police commissioner created by this act shall have the same powers, control and authority over the members of the police force, transferred thereto by sections two hundred and seventy-seven, two hundred and seventy-eight, two hundred and seventy-nine and two hundred and eighty of this act, and over their tenure of such membership and removal therefrom, as the said commissioner shall have over the members of said force, appointed thereto by him and especially, except as otherwise provided by this chapter, to fix and assign the rank, title, duties, powers and place of service of said transferred members. Until by said commissioner otherwise provided the rank, title, duties, powers and place of service of said transferred members shall be the same as they were in the police force to which they belonged before this act took effect.

Id.; authority over employes of former boards; duties and salaries of such employes.

Sec. 282. All clerks, matrons, secretaries, and other subordinates, assistants and employes attached to, or in the service of the department or either of the boards or commissioners specified in section two hundred and seventy-three of this act, until it shall be otherwise provided by the police commissioner created by this act, shall perform like services and duties and receive therefor the same salaries or compensations as they performed and received respectively prior to this act taking effect. But such clerks, matrons, secretaries, and other subordinates, assistants and employes, their services, duties, salaries or compensations, tenure of and removal from their positions or employment shall in all respects be subject to the control and authority of the police commissioner created by this act.

Id.; power to appoint and remove members and employes; salaries and fines.

Sec. 283. Subject to the powers by this act conferred on the board of estimate and apportionment and the board of aldermen of The City of New York, and to such other provisions of this act as may limit their power in the premises, the police commissioner created by this act shall have power to appoint and remove as hereinafter provided the members of the police force specified in section two hundred and seventy-six of this act, and also such clerks, police matrons, secretaries and other subordinates, assistants and employes as may be reasonably necessary to the proper performance of the duties and execution of the powers and functions of the police department created by this act, or of any of the component parts thereof, and to prescribe their respective ranks and duties. The salary or compensation of members of the police force shall be subject to all fines, penalties, forfeitures and deductions lawfully imposed for cause.

Police force; qualifications of members; publishing names and residence of applicants and appointees

Sec. 284. No person shall be appointed or reappointed to membership in the police force or continue to hold membership therein, who is not a citizen of the United States or who has ever been convicted of felony, or who cannot read and write understandingly the English language, or who shall not have resided within the state, one year next preceding his appointment, but skilled officers of experience may be appointed for detective duty who have not resided as herein required. No person shall be appointed patrolman who shall be at the date of the filing of his application for civil service examination over twenty-nine years of age; no person shall be appointed doorman who shall be at the date of placing his name on the civil service eligible list over thirty-five years of age; and no person who shall have been a member of the force, and shall have been dismissed therefrom, shall be reappointed. The name, residence and occupation of each applicant for appointment or reappointment to any position in the police department, as well as the name, residence and occupation of each person appointed to any position, shall be published, and such publication shall, in every instance, be made, on the Saturday next succeeding such application, or appointment, in the City Record. Preliminary to a permanent appointment as patrolman there shall be a period of probation for such time as is fixed by the civil service rules, and no person shall receive a permanent appointment who has not served the required probationary period, but the service during probation shall be deemed to be service in the uniformed force, if succeeded by a permanent appointment, and as such shall be included and counted in determining eligibility for advancement, promotion, retirement and pension, as hereinafter provided.—As amended by Laws 1912, Chapter 480.

Id.; warrant of appointment; oath.

Sec. 285. Every member of the police force shall have issued to him, by the po-

lice department, a proper warrant of appointment, signed by the police commissioner and chief clerk or first deputy clerk of said department or of the police commissioner, which warrant shall contain the date of appointment and rank. Each member of the police force shall, before entering upon the duties of his office, take an oath of office and subscribe the same before any officer of the police department who is empowered to administer an oath.

Secs. 286 and 287. Repealed by Act of 1901.

Promotions in Police Force.

Sec. 288. Promotions of officers and members of the police force shall be made by the police commissioner, as provided in section one hundred and twenty-four of this act, on the basis of seniority, meritorious police service and superior capacity, as shown by competitive examination, but no detail to act as inspector, or to service in the detective bureau, as hereinafter provided, shall be deemed a promotion. Individual acts of personal bravery may be treated as an element of meritorious service in such examination, the relative rating therefor to be fixed by the municipal civil service commission. The police commissioner shall transmit to the municipal civil service commission in advance of such examination the complete record of each candidate for promotion. Sergeants shall be selected from among patrolmen of the first grade. Lieutenants of police shall be selected from among sergeants who shall have served at least two years continuously as such. Captains shall be selected from among lieutenants of police who shall have served at least three years as such. The police commissioner shall, in the exercise of his discretion, from time to time detail nineteen captains to act as inspectors, with the title while so acting of inspectors of police, and at his pleasure may revoke any or all such details. While so detailed such officer shall receive a salary at the rate of seven hundred and fifty dollars a year in addition to the amount of salary which regularly attaches to the office of captain. When a captain shall have acted under regular detail as inspector during a period or periods aggregating five years, such officer shall have the same rights in respect to the relief pension fund as were vested by law in inspectors of police on the first day of February in the year nineteen hundred and seven; provided, however, that when the commissioner designates a captain to act in the place of a captain under regular detail as inspector, during the temporary absence or disability of the latter, the officer so designated shall not be entitled to any additional salary, and the period of such designation shall not be counted in his favor in computing such five-year period. A captain, while detailed to act as inspector, shall be chargeable with and responsible for the discipline and efficiency of the force under his command.—As amended by Laws of 1910, Chap. 611.

Id.; increase of.

Sec. 289. The police commissioner is authorized to increase the police force by adding to the number of patrolmen from time to time, provided the board of estimate and apportionment and the board of aldermen shall have previously made an appropriation for that express purpose. The board of estimate and apportionment and the board of aldermen may include in the annual budget from year to year, and the comptroller shall certify, as required by law, to the board of aldermen and the board of aldermen shall include in the annual tax levy an amount sufficient to provide for the compensation of the additional patrolmen authorized to be appointed pursuant to the provisions of this section.—As amended by Laws 1904, Chapter 358.

Id.; central office bureau of detectives.

Sec. 290. The central office bureau of detectives heretofore existing pursuant to this section, as revised and re-enacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, and the rank or grade of detective sergeant in the police force are hereby abolished. But the persons holding the position of detective sergeant when this act takes effect shall remain members of the force with the rank of lieutenants of police and shall retain all their rights as to pay and pension or otherwise as established by law on the first day of February in the year nineteen hundred and seven and any such person whose name is on an eligible list when this act takes effect shall not be deprived of his eligibility for promotion acquired thereby. The police commissioner shall organize and maintain a bureau for detective purposes to be known as the detective bureau. The police commissioner shall, from time to time, detail to service in said bureau as many members of the force as he may deem necessary to make the bureau efficient, and may at any time revoke any such detail. Of the members of the police force so detailed the police commissioner may designate not exceeding one hundred and fifty in number as detectives of the first grade, who while performing duty in said bureau, and while so designated as detectives of the first grade, shall be paid the same salary as lieutenants of police under this chapter, but the police commissioner may at his pleasure revoke any such designation. The person who may be assigned by the police commissioner to the command of said bureau while acting in such capacity shall receive the same salary as a captain detailed to act as inspector. Any member of the force detailed to said bureau while so detailed shall retain his rank in the force and shall be eligible for promotion the same as if serving in the uniformed force, and the time during which he serves in said bureau shall count for all purposes as if served in his rank or grade in the uniformed force. The headquarters of said bureau shall be at police headquarters in the borough of Manhattan. A branch office shall be maintained in the borough of Brooklyn. Other branch offices may be maintained in such places as the commissioner may determine.—As amended by Laws 1907, Chapter 160.

No member of department to be interested in other office.

Sec. 291. Any police commissioner, or any member of the police force, who shall, after qualifying in office, accept any additional place of public trust, or civil emolument, or who shall during his term of office be publicly nominated for any office elective by the people, and shall not, within ten days succeeding the same, publicly decline the said nomination, shall be in either case deemed thereby to have resigned his commission and to have vacated his office, and all votes cast at any election for any person holding the office of police commissioner, or within thirty days after he shall have resigned such office, shall be void.

Police commissioner: duties and powers.

Sec. 292. The police commissioner shall be the chief executive officer of the police force. He shall be chargeable with and responsible for the execution of all laws and the rules and regulations of the department. He shall assign to duty the officers and members of the police force, and shall have power to change such assignments from time to time, whenever, in his judgment, the exigencies of the service may require such change. He shall have power to suspend without pay, pending the trial of charges, any member of the police force. If any member of the police force so suspended shall not be convicted by the police commissioner of the charges so preferred, he shall be entitled to full pay from the date of suspension, notwithstanding such charges and suspension. Said police commissioner may grant leaves of absence to members of the force for a period not exceeding five days.

Sec. 293. Repealed by Act of 1901.

Police surgeons; duties and districts.

Sec. 294. The duties of the police surgeons, and the extent and bounds of their districts, shall be assigned from time to time, by the rules and regulations of the police commissioner. The police commissioner may, if requested by the department of health, designate police surgeons to aid the sanitary inspectors in the discharge of their duties, under such regulations and orders as the police commissioner may make and issue.

Secs. 295 and 296. Repealed by Act of 1901.

Payment of salaries and obligations of department.

Sec. 297. The comptroller shall pay all salaries and wages to officers and members of the police department and force, as established by and in pursuance of law, and all bills, claims and obligations lawfully incurred by or by authority of said police department in the same manner as salaries and wages and bills, claims and obligations of other departments are paid. But the comptroller shall pay over and advance from time to time to the police commissioner such portions of the appropriation made to the police department for contingent expenses, not exceeding ten thousand dollars at any one time, for which requisition may be made by said police commissioner. The police commissioner shall transmit to the department of finance the original vouchers for the payment of all sums of money disbursed by him on account of such contingent expenses, and no greater sum than ten thousand dollars in excess of the amount duly accounted for by said vouchers shall be advanced to said police commissioner at any one time. The police commissioner shall give a bond of ten thousand dollars, with two sufficient sureties, to be approved by the comptroller, for the faithful performance of the duties imposed and privileges conferred upon him by this section. The police commissioner shall procure and pay for all printing, books, blanks, paper, and other articles of stationery required for the administration and business of the department and each bureau thereof.

Id.; copy of minutes when evidence.

Sec. 298. A copy of the minutes of the police commissioner or of any part of said minutes, or of any order or resolution of said commissioner, or of the rules and regulations established by said commissioner when certified by the police commissioner or the chief clerk, or first deputy clerk of said police department, may be given in evidence upon any trial, investigation, hearing or proceeding in any court, or before any tribunal, commissioner or commissioners, or board, with the same force and effect as the original.

Salaries of officers and members of the force.

Sec. 299. The annual salaries and compensations of the officers and members of the police force shall be as follows to wit: Of each captain of police who was heretofore a deputy chief of police, as provided in section two hundred and seventy-six of this act, five thousand dollars; of each captain of police who held the rank or grade of inspector of police with an annual salary of three thousand, five hundred dollars before this act took effect, three thousand, five hundred dollars; of every other captain of police, two thousand, seven hundred and fifty dollars; of each police surgeon, three thousand, five hundred dollars, and each police surgeon shall have the same rank as captain of police detailed to act as inspector; of each lieutenant of police, two thousand dollars; of each doorman, one thousand dollars; of each sergeant, one thousand, five hundred dollars; and the grade and pay or compensation of patrolmen or policemen shall be as follows, to wit:

All such members who are patrolmen and who shall have served five years or upwards on said force, shall be members of the first grade. All such members who shall have served on such force for less than five years, and more than four years and six months, shall be members of the second grade. All such members who shall have served on such force for less than four years and six months, and more than four years, shall be members of the third grade. All such members who shall have served on such force for less than four years and more than three years, shall be members of the fourth grade. All such members who shall have served on such force for less than three years, and more than two years, shall be

members of the fifth grade. All such members who shall have served on such force for less than two years, and more than one year, shall be members of the sixth grade. And all persons appointed patrolmen on or after the first day of January, eighteen hundred and ninety-eight, shall be members of the seventh grade. Whenever any member of the seventh grade shall have done service therein for one year he shall be advanced to the sixth grade. Whenever any member of the sixth grade shall have done service therein for one year, he shall be advanced to the fifth grade. Whenever any member of the fifth grade shall have done service therein for one year, he shall be advanced to the fourth grade. Whenever any member of the fourth grade shall have done service therein for one year, he shall be advanced to the third grade. Whenever any member of the third grade shall have done service therein for six months, he shall be advanced to the second grade. And any member of said force who shall have served six months in the second grade, shall become a member of the first grade. But no such patrolman shall be so advanced as aforesaid, except after an examination and approval by the police commissioner of his record, efficiency and conduct. The annual pay or compensation of the members of the police force who are patrolmen as aforesaid, shall be as follows: For members of the first grade, at the rate of not less than one thousand four hundred dollars each; for members of the second grade, at the rate of not less than one thousand three hundred and fifty dollars each; for members of the third grade, at the rate of not less than one thousand two hundred and fifty dollars each; for members of the fourth grade, at the rate of not less than one thousand one hundred and fifty dollars each; for members of the fifth grade, at the rate of not less than one thousand dollars each; for members of the sixth grade, at the rate of not less than nine hundred dollars each; for members of the seventh grade, at the rate of not less than eight hundred dollars each. The pay or compensation aforesaid shall be paid monthly to each person entitled thereto, subject to such deductions for or on account of lost time, sickness, disability, absence, fines or forfeitures, as the police department may by rules and regulations, from time to time prescribe or adopt. Nothing in this section contained shall be construed to change in any way the salaries or grading, present or prospective, of the patrolmen or policemen, who are or become members of the New York police force, prior to January first, eighteen hundred and ninety-eight. All other patrolmen or policemen of the various police forces consolidated into a single force by the provisions of this act, shall belong, so far as pay or compensation is concerned, to the grade indicated by the pay or compensation which they are respectively receiving on January first, eighteen hundred and ninety-eight. But nothing in this section contained shall be construed to affect in any other way the rights and privileges secured under the provisions of this act to the members of the various police forces consolidated into a single force by this act. The date for the eligibility of any member of the forces transferred to the consolidated forces by sections two hundred and seventy-seven, two hundred and seventy-eight, two hundred and seventy-nine, and two hundred and eighty of this act for advancement to the next grade, shall be the day of the year on which he was originally appointed to the force from which he was transferred; and any member of the forces so transferred not a member of the New York police force prior to January first, eighteen hundred and ninety-eight, whose salary falls between two grades, shall receive the salary of and be assigned to the grade next above the salary he is receiving at the time of transfer.

Salaries of all officers in the forces so transferred other than officers in the New York police prior to January first, eighteen hundred and ninety-eight, shall be equalized on the same basis. If the difference in pay is not more than fifty dollars the pay shall be equalized at once. If the difference is more than fifty dollars, the pay shall be made uniform within three years by equal annual additions.—As amended by Laws 1907, Chapter 160.

Police commissioner; rules, etc., for government and discipline of police department and police force; trials, dismissals.

Sec. 300. The police commissioner is authorized and empowered to make, adopt and enforce rules, orders and regulations for the government, discipline, administration and disposition of the police department and police force and the members thereof. He shall have power and is authorized to adopt rules and regulations for the examination, hearing, investigation and determination of charges made or preferred against any member or members of the said police force, but no member or members of the police force except as otherwise provided in this chapter shall be fined, reprimanded, removed, suspended or dismissed from the police force until written charges shall have been made or preferred against him or them, nor until such charges have been examined, heard and investigated before the police commissioner or one of his deputies, upon such reasonable notice to the member or members charged, and in such manner of procedure, practice, examination and investigation as the said commissioner may, by rules and regulations, from time to time prescribe. The police commissioner shall designate two places for the trial of members of the police force upon charges, one of said places for the boroughs of Manhattan, Bronx and Richmond, and the other of said places for the boroughs of Brooklyn and Queens. The trial of any member of the police force upon charges shall be held in the place of trial designated by the police commissioner as the place for the trial of charges for the borough within which the accused member was serving at the time the charge was preferred. Any member of the police force who may hereafter become insane or of unsound mind, so as to be unable or unfit to perform full police service or duty, may be removed and dismissed from the police force by the commissioner.—As amended by Laws 1904, Chapter 341.

Police commissioner, et cetera, may issue subpenas; who may administer oaths.

Sec. 301. The police commissioner and his deputies shall have power to issue subpenas, attested in the name of the police commissioner and to exact and compel obedience to any order, subpenas or mandate issued by them, and to that end may institute and prosecute any proceedings or action authorized by law in such cases. He or either of his deputies may in proper cases issue subpenas duces tecum. Such police commissioner may devise, make and issue process and forms of proceedings to carry into effect any powers or jurisdiction possessed by him. The police commissioner, each of his deputies, the chief clerk and the first and second deputy clerks of said department are hereby authorized and empowered to administer oaths and affirmations in the usual or appropriate forms, to any person in any matter or proceedings authorized as aforesaid, and in all matters pertaining to the police department, or the duties of any officer or other person in matters of or connected with said department and to administer oaths of office which may be taken or required in the administration or affairs of said department, and to take and administer oaths and affirmations, in the usual or appropriate forms in taking any affidavit or deposition which may be necessary or required by law or by any order, rule or regulation of the police commissioner for or in connection with the official purposes, affairs, powers, duties or proceedings of said police department, or of said police commissioner or member of the police force, or any official purpose lawfully authorized by said commissioner. Any person making a complaint that a felony or a misdemeanor has been committed may be required to make oath or affirmation thereto, and for this purpose the police commissioner, each of his deputies, the chief clerk, or deputy clerks of the police department, the inspectors, captains and sergeants of police shall have power to administer oaths and affirmation.—As amended by Laws 1905, Chapter 180.

Police commissioner; punishments by; limitations of suits for reinstatements, etc.

Sec. 302. The police commissioner shall have power, in his discretion, on conviction by him or by any court or officer of competent jurisdiction, of a member of the force of any criminal offense, or neglect of duty, violation of rules, or neglect or disobedience of orders, or absence without leave, or any conduct injurious to the public peace or welfare, or immoral conduct or conduct unbecoming an officer, or any breach of discipline, to punish the offending party by reprimand, forfeiting and withholding pay for a specified time, suspension, without pay during such suspension, or by dismissal from the force; but no more than thirty days' pay or salary shall be forfeited or deducted for any offense. All such forfeitures shall be paid forthwith to the treasurer of the department to the account of the police pension fund. The police commissioner is also authorized and empowered in his discretion, to deduct and withhold pay, salary or compensation from any member or members of the police force, for or on account of absence for any cause without leave, lost time, sickness or other disability, physical or mental; provided, however, that the pay, salary or compensation so deducted and withheld shall not, except in case of absence without leave, exceed one-half thereof of the period of such absence, any act or law to the contrary notwithstanding; and said police commissioner is authorized and empowered from time to time to make and prescribe rules and regulations to carry into effect and enforce the provisions of this section. Upon having found a member of the force guilty of the charges preferred against him, either upon his plea of guilty or after trial, the police commissioner or the deputy examining, hearing and investigating the charges, may, in his discretion, suspend judgment and place the member of the force so found guilty upon probation, for a period not exceeding one year; and the police commissioner may impose punishment at any time during such period. No action, duty or proceeding, either at law or in equity, shall be commenced or maintained against the police department, or any member thereof, or against the police commissioner, or against the mayor, or against the city of New York by any member or officer, or former member or officer of or belonging to the police force or department of said city to recover or compel the payment of any salary, pay, money or compensation for or on account of any service or duty, or to recover any salary, compensation or moneys, or any part thereof forfeited, deducted or withheld for any cause, unless such action, suit or proceedings shall be commenced within two years after the cause of action shall have accrued; provided that causes of action or proceedings which shall have heretofore accrued may be begun or brought within six years after the same shall have accrued and within two years after the passage of this act; but nothing in this section contained shall be construed or held to extend the time in which causes of action or proceedings which shall have heretofore accrued must be brought, and no proceeding shall be brought to procure the restoration or reinstatement to said police force or department of any member or officer thereof, unless said proceeding shall be instituted within four months after the decision or order sought to be reviewed. Said proceeding when so brought shall be placed upon the calendar by the party instituting the same, for hearing, for a term of the court not later than the second term after the filing of the answer or return in said proceeding, and of service of notice of said filing upon the party instituting said proceeding. And in the event of the failure of the party instituting the said proceeding to place the said proceeding upon the said calendar, then the said proceeding shall be dismissed for want of prosecution upon application to that effect by the corporation counsel, unless the court for good and sufficient cause shall otherwise order. (As amended by Chapter 310, Laws of 1915.)

Police force; resignations and absences on leave.

Sec. 303. No member of the police force, under penalty of forfeitiug the salary or pay which may be due him, shall withdraw or resign, except by permission of the police commissioner. Absence, without leave, of any member of the police force for five consecutive days shall be deemed and held to be a resignation, and the member so absent shall, at the expiration of said period cease to be a member of the police force and oe dismissed therefrom without notice. No leave of absence exceeding twenty days in any one year shall hereafter be granted or allowed to any member of the police force, except upon the condition that such member shall waive and release not less than one-half of all salary, pay or compensation and claim thereto during such absence.

Sec. 304. Repealed by Act of 1901.

Police commissioner; rewards to informers.

Sec. 305. The police commissioner shall have authority to offer rewards to induce all classes of persons to give information which shall lead to the detection, arrest and conviction of persons guilty of a felony; and to pay such awards to such persons as shall give such information. But no such reward shall be offered unless there be an unexpended appropriation therefor made by the board of estimate and apportionment, which shall make the necessary appropriation for such purpose.—As amended by Laws of 1916, Chap. 95.

Police force; gratuities and political contributions forbidden; may be permitted to obtain rewards.

Sec. 306. No member of the police force or employee of the Police Department shall, under any pretense whatsoever, share in, for his own benefit, any present, fee, gift or emolument for police services, or for services of the Police Department or any member thereof, additional to his regular salary, pay or compensation. The police commissioner for meritorious and extraordinary services rendered by any member of the police force in due discharge of his duty, may permit such member of the police force to retain for his own benefit any reward or present, or some part thereof, tendered him therefor; and it shall be cause for removal from the police force for any member thereof to receive any such reward or present without notice thereof to the police commissioner. Upon receiving said notice, the police commissioner may either order the said member to retain the same, or shall dispose of it for the benefit of the police pension fund. No person in the police force shall be permitted to contribute any moneys, directly or indirectly, to any political fund, or to join or be or become a member of any political club or association or any club or association intended to affect legislation for or on behalf of the police department or any member thereof, or to contribute any funds for such purpose.

Id.; detail of policemen at polls.

Sec. 307. It shall be the duty of the police commissioner to detail, or to cause to be detailed on election day, at least two patrolmen at each election poli. It shall be the duty of the police force, or any member thereof, to prevent any booth, or box, or structure for the distribution of tickets at any election from being erected or maintained within one hundred and fifty feet of any polling place within the city, and summarily to remove any such booth, box or structure, or to close and prevent the use thereof.

Id.; special patrolmen; when may be appointed; military assistance.

Sec. 308. The police commissioner may, upon an emergency or apprehension of riot, tumult, mob, insurrection, pestilence or invasion, appoint as many special patrolmen without pay from among the citizens as he may deem desirable. The mayor or, in case of his failure so to do, the governor may demand the assistance of the militia of the state within the city, or of any brigade, regiment or company thereof, by order in writing served upon the commanding officer of any brigade and such commanding officer shall obey such order. Special patrolmen, appointed in pursuance of law, may be dismissed by order of the police commissioner; and while acting as such special patrolmen shall possess the powers, perform the duties, and be subject to the orders, rules and regulations of the police department in the same manner as regular patrolmen. Every such special patrolman shall wear a badge, to be prescribed and furnished by the police commissioner. No transfer, detail or assignment to special duty of any member of the police force, except in cases authorized or required by law, shall hereafter be made or continued, except for police reasons and in the interests of police service: provided, however, that the police commissioner may, whenever the exigencies of the case require it, make detail to special duty for a period not exceeding three days, at the expiration of which the member or members so detailed shall report for duty to the officer of the command from which the detail was made. The police commissioner, whenever expedient, may on the application of any person or persons, corporation or corporations, showing the necessity therefore, appoint and swear any number of patrolmen to do special duty at any place in The City of New York upon the person or persons, corporation or corporations by whom the application shall be made, paying, in advance such special patrolmen for their services, and upon such special patrolmen, in consideration of their appointment, signing an agreement in writing releasing and waiving all claim whatever against the police department and The City of New York for pay, salary or compensation for their services and for all expenses connected therewith; but the special patrolmen so appointed shall be subject to the orders of the chief of police and shall obey the rules and regulations of the police department and conform to its general discipline and to such special regulations as may be made and shall during the term of their holding appointment possess all the powers and discharge all the duties of the police force, applicable to regular patrolmen. The special patrolmen so appointed may be removed at any time by the police commissioner, without assigning cause therefor, and nothing in this section contained shall be construed to constitute such special patrolmen members of the police force, or to entitle them to the privilege of the regular members of the force, or to receive any salary, pay, compensation or moneys whatever from the said police department or The City of New York, or to share in the police pension fund.

Police commissioner; detail persons to attend courts

Sec. 309. It shall be the duty of the police commissioner to cause some intelligent and experienced person connected with the police force to attend at the courts of the city in cases where there is need of such assistance, who shall, to such extent as the rules of the board of magistrates may reasonably require, aid in bringing the facts before the magistrates in proceedings pending in such police courts.

Police department to co-operate with department of health.

Sec. 310. It shall be the duty of the police department (and of its officers and men, as said police commissioner shall direct) to promptly advise the department of health of all threatened danger to human life and health, and of all matters thought to demand its attention, and to regularly report to said department of health all violations of its rules and ordinances, and of the health laws, and all useful sanitary information. Said department shall, so far as practicable and appropriate, co-operate for the promotion of the public health and the safety of human life in said city. It shall be the duty of said police department, by and through its proper officers, agents and men, to faithfully and at the proper time enforce and execute the sanitary rules and regulations, and the orders of said department of health (made pursuant to the power of said department of health), upon the same being received in writing and duly authenticated as said department of health may direct. Said police department is authorized to employ and use the appropriate persons and means, and to make the necessary expenditures for the execution and enforcement of said rules, orders and regulations, and such expenditures, so far as the same may be refunded or compensated by the means herein elsewhere provided, shall be paid as the other expenses of said department of health are paid. In and about the execution of any order of the department of health, or of the police department made pursuant thereto, police officers and policemen shall have as ample power and authority as when obeying any order of or law applicable to the police department; but for their conduct they shall be responsible to the police department and not to the department of health. The department of health may, with the consent of the police department, impose any portion of the duties of subordinates in said department upon subordinates in the police department.

Police force; arrests for violation of health laws.

Sec. 311. Any member of the police force may arrest without warrant any person who shall, in view of such member, violate, or do, or be engaged in doing or committing in said city, any act or thing forbidden by chapter nineteen of this act, or by any law or by any ordinance the authority to enact which is given by this act or any other statute or who shall, in such presence, resist or be engaged in resisting the lawful enforcement of any such law or ordinance or any official order made pursuant to any statute of this state. And any person so arrested shall thereafter be treated, disposed of and punished as any other person duly arrested for a misdemeanor unless other provision is made for the case by law.

Id.; detail of officers and men to assist department of health.

Sec. 312. The police commissioner, upon the requisition of the board of health, shall detail to the service of the said department of health for the purpose of the enforcement of the provisions of the sanitary code, and of the acts relating to tenement and lodging houses, not less than fifty nor more than one hundred suitable officers and men of experience of at least five years' service in the police force. At least thirty of the officers and men so detailed shall be employed exclusively in the enforcement of the laws relating to tenement and lodging houses. These officers and men shall belong to the sanitary company of police, and shall report to the board of health. The board of health may report back to the police department for punishment any member of said company guilty of any breach of order or discipline, or of neglecting his duty, and thereupon the police commissioner shall detail another officer or man in his place, and the discipline of the said members of the sanitary company shall be in the jurisdiction of the police department, but at any time the board of health may object to any member of said sanitary company on the ground of inefficiency, and thereupon another officer or man shall be detailed in his place.

Id.; detail of officers and men to assist department of public parks.

Sec 313. The police commissioner, upon the requisition of the park board, shall from time to time detail to the service of the department of parks, for the enforce-

ment of the park ordinances and for the maintenauce of good order in the parks, so many suitable officers and men as to the judgment of the police commissioner are necessary. Such officers and men shall continue to be in all respects an integral part of the police force of the city and shall be paid out of the funds appropriated for the support of the police department. These officers and men shall constitute the park police so long as their detail lasts, and shall report to the park commissioner in charge of the parks in which they reserve. Each commissioner of parks may report back to the police department for punishment any member of said park police force guilty of any breach of orders or discipline, or of neglecting his duty, and thereupon the police commissioner may detail another officer or man in his place; and the discipline of the said members of the park police shall be in the jurisdiction of the police department, but at any time either commissioner of parks may object to the inefficiency of any member of said park police serving in any park under his charge and thereupon another officer or man may be detailed in his place.

Id.; detail of officers and men to assist the department of bridges.

Sec. 314. The police commissioner, upon the requisition of the commissioner of bridges shall from time to time detail to the service of the department of bridges for the enforcement of the ordinauces regulating travel over any of the bridges and for the maintenance of good order thereon, so many suitable officers and men as in the judgment of the police commissioner are necessary. Such officers and men shall continue to be in all respects an integral part of the police force of the city and shall be paid out of the funds appropriated for the support of the police department. These officers and men shall constitute the bridge police so long as their detail lasts, and shall report to the commissioner of bridges. The commissioner of bridges may report back to the police commissioner for punishment any member of said bridge police force guilty of any breach of orders or discipline, or of neglecting his duty, and thereupon the police commissioner may detail another officer or man in his place; and the discipline of the said members of the bridge police shall be in the jurisdiction of the police department, but at any time the commissioner of bridges may object to the inefficiency of any member of said bridge police and thereupon another officer or man may be detailed in his place.

Id.; duties of.

Sec. 315. It is hereby made the duty of the police department and force, at all times of day and night, and the members of such force are hereby thereunto empowered, to preserve the public peace, prevent crime, detect and arrest offenders, suppress riots, mobs and insurrections, disperse unlawful or dangerous assemblages, and assemblages which obstruct the free passage of public streets, sidewalks, parks and places; protect the rights of persons and property, guard the public health, preserve order at elections and all public meetings and assemblages; regulate, direct, control, restrict and direct the movement of all teams, horses, carts, wagons, automobiles and all other vehicles in streets, bridges, squares, parks and public places, for the facilitation of traffic and the convenience of the public as well as the proper protection of human life and health, and to that end the police commissioner shall make such rules and regulations for the conduct of vehicular traffic in the use of the public streets, squares and avenues as he may deem necessary, the violation of which rules and regulations shall be a misdemeanor punishable by not less than two or more than thirty days' imprisonment, or by a fine of not less than five or more than fifty dollars, or both; remove all nuisances in the public streets, parks and highways; arrest all street mendicants and beggars; provide proper police attendance at fires; assist, advise, and protect emigrants, strangers and travelers in public streets, at steamboat and ship landings, and at railroad stations; carefully observe and inspect all places of public amusement, all place of business having excise or police licenses to carry on any business; all houses of ill-fame or prostitution, and houses where common prostitutes reside or resort, all lottery offices, policy shops, and places where lottery tickets or lottery policies are sold or offered for sale, all gambling-houses, cock-pits, rat-pits, and public common dance-houses, and to repress and restrain all unlawful and disorderly conduct or practices therein; enforce and prevent the violation of all laws and ordinances in force in said city; and for these purposes, to arrest all persons guilty of violating any law or ordinance for the suppression or punishment of crimes or offenses.—As amended by Laws of 1914, chap. 455.

Id.; general powers over certain trades.

Sec. 316. The police commissioner and each of his deputies and each captain of police detailed to act as inspector in his district, and each captain of police within his precinct shall possess powers of general police supervision and inspection over all licensed or unlicensed pawnbrokers, venders, junkshop keepers, junkboatmen, cartmen, dealers in second-hand merchandise, intelligence-office keepers, and auctioneers, within the said city; and in the exercise of said supervision, may from time to time empower members of the police force to fulfill such special duties in the aforesaid premises as may be from time to time ordained by the police commissioner. The said police commissioner and each of his deputies and each captain of police detailed to act as inspector in his district and each captain within his precinct, may, by authority in writing, empower any member of the police force, whenever such member shall be in search of property feloniously obtained, or in search of suspected offenders, or evidence to convict any person charged with crime, to examine the books of any pawnbroker, or his business premises, or the business premises of any licensed vender or licensed junk-shop keeper, or dealer in second-hand merchandise, or intelligence-office keeper, or auctioneer, or boat of any junk-boatman, and to examiue property alleged to be pawned, pledged, deposited, lost or stolen, in whosesoever possession said property may be; but no such property shall be taken from the possessor thereof without due process or authority of the law.—As amended by Laws 1907, Chapter 160.

Id.; may examine pawnbrokers' books.

Sec. 317. The police commissioner, each of his deputies, the inspectors of police and captains of police and persons acting by their, or by either of their orders, shall have power to examine the books of any pawnbroker, his clerk or clerks, if they deem it necessary, when in search of stolen property, and any person having in his possession a pawnbrokers' ticket shall, when accompanied by a policeman, or by an order from the police commissioner or either of his deputies, or an inspector of police, or a captain of police, be allowed to examine the property purporting to be pawned by said ticket; but no property shall be removed from the possession of any pawnbroker without the process of law required by the existing laws of this state, or the laws and ordinances of the city regulating pawnbrokers. A refusal or neglect to comply in any respect with the provisions of this section, on the part of any pawnbroker, his clerk or clerks, shall be deemed a misdemeanor and punishable as such.

Id.; suppression of gaming and other houses.

Sec. 318. If any two or more householders shall report in writing, under their signature, to the police commissioner or to a deputy police commissioner, that there are good grounds (and stating the same) for believiug any house, room or premises within the said city to be kept or used as a common gambling house, common gaming room, or common gaming premises, for therein playing for wagers of money at any game of chance, or to be kept or used for lewd and obscene purposes or amusements, or the deposit or sale of lottery tickets or lottery policies, it shall be lawful for the police commissioner or either of his deputies or a deputy chief of police to authorize, in writing any member or members of the police force to enter the same, who may forthwith arrest all persons there found offending against law, but none others; and seize all implements of gaming or lottery tickets or lottery policies, and convey any person so arrested before a magistrate, and bring the articles so seized to the office of the property clerk. It shall be the duty of the said police commissioner or deputy police commissioner or deputy chief of police to cause such arrested person to be rigorously prosecuted, and such articles seized to be destroyed, as the orders, rules and regulations of the police commissioner shall direct.

Sec. 319. Now covered by Sec. 52.

Police commissioner; to furnish station houses, etc., and fix boundaries of precincts; headquarters.

Sec. 320. The police commissioner shall from time to time, with the authority of the commissioners of the sinking fund, establish, provide and furnish stations and station houses, or sub-stations and sub-station houses, at least one to each precinct, for the accommodation thereat of members of the police force, and as places of temporary detention for persons arrested and property taken within the precinct; and shall also provide and furnish such business accommodations, apparatus and articles and provide for the care thereof, as shall be necessary for the department of police and the transaction of the business of the department. The said police commissioner is hereby authorized and empowered to furnish horses and wagons, to be known as patrol wagons, which said horses and wagons shall be under the custody, control and care of said police department, for the exclusive use thereof. The board of estimate and apportionment and the board of aldermen are directed to appropriate a sufficient sum of money in each and every year, for the purpose of furnishing such horses, wagons and apparatus connected therewith, and the maintenance thereof and for the other purposes authorized by this section. The number and boundaries of the precincts shall be fixed by the police commissioner. There may be one headquarters or central station, established and located by said police commissioner in any borough into which The City of New York is divided by this act. The said police commissioner shall apply to and use for the purposes mentioned in this sectiou, the property and premises which shall come into his possession, or under his control, by virtue of section two hundred and seventy-five of this act, so far as suitable for the purposes in his judgment and available therefor.

Sec. 321. Repealed by Act of 1916.

Sec. 322. Repealed by Act of 1901.

Id.; may maintain and operate telegraph and telephone lines, and use same in assisting department of health.

Sec. 323. The police commissioner shall have power to erect, operate, supply and maintain, under the general laws of the state relating to telegraphs, all such lines of telegraph and telephone to and between such places in the city as for the purposes and business of the police the commissioner shall deem necessary. The police commissioner may procure all instruments, fixtures, property and materials for the purpose above mentioned and control the same, but the cost thereof shall be chargeable to general expenses of police. The police commissioner is hereby permitted to use the said telegraph and telephone lines to aid him in facilitating the operations of the department of health, and when so used, the expense thereof shall be charged to the said department of health.

Id.; may use boats; establish mounted patrol, sell old property, etc.

Sec. 324. In the performance of police service in any precinct or precincts, comprising waters of the harbor, the police

commissioner may procure and use and employ such rowboats, steamboats, and boats propelled by other power as shall be deemed necessary and proper. In rural or sparsely inhabited precincts he may establish a mounted patrol and procure and use and employ so many horses and equipments as shall be requisite for the purpose; and he shall procure and cause to be used teams and vehicles to transport prisoners, supplies and property, whenever the use of teams and vehicles for such purposes shall be proper and tend to preserve the public peace and decency. The police commissioner may sell and dispose of, in accordance with law, any personal property owned or used in the department, whenever such property shall have become old and unfit and shall not be required for service, and he shall have authority to detail and employ patrolmen in any duty or service, other than patrol duty, which may be necessary and proper to enable the department to exercise the powers and perform the duties and business imposed and required by law.

Secs. 325-330 Repealed by Act of 1901

Stolen property; property clerk; employment of and duties.

Sec. 331. The police commissioner shall employ some person as clerk, who shall be designated property clerk, to take charge of all property alleged to be stolen or embezzled, and which may be brought into the police office, and all property taken from the person of a prisoner, and all property or money alleged or supposed to have been feloniously obtained, or which shall be lost or abandoned, and which shall be taken into the custody of any member of the police force or criminal court in The City of New York, or which shall come into the custody of any magistrate or officer, shall be, by such member or magistrate or by order of said court given into the custody of and kept by the said property clerk. All such property and money shall be described and registered by said property clerk in a book kept for that purpose, which shall contain the name of the owner or claimant if ascertained, the place where found, the name of the person from whom taken, with the general circumstances, the date of its receipt, the name of the officer recovering the same, a description thereof, the names of all claimants thereof, and any final disposition of such property or money. The said police commissioner may prescribe regulations in regard to the duties of the clerk so designated, and require and take security for the faithful performance of the duties imposed by this section, but all animals strayed, lost or stolen, which shall come into the possession of the said property clerk shall by him be transferred and sent to the public pound, in said city, anything herein contained to the contrary notwithstanding.

Id.; return of property to person accused.

Sec. 332. Whenever property or money taken from any person arrested shall be alleged to have been feloniously obtained, or to be the proceeds of crime, and brought, with all ascertained claimants thereof, and the person arrested, before some magistrate for adjudication, and the magistrate shall be then and there satisfied from evidence that the person arrested is innocent of the offense alleged, and that the property rightly belongs to him, then said magistrate may thereupon, in writing, order such property or money to be returned, and the property clerk, if he have it, to deliver such property or money to the accused person himself, and not to any attorney, agent, or clerk of said accused person.

Id.; claim to by another person.

Sec. 333. If any claim to the ownership of such property or money shall be made on oath before the magistrate, by or in behalf of any other persons than the person arrested, and the said accused person shall be held for trial or examination, such property or money shall remain in the custody of the property clerk until the discharge or conviction of the person accused and until lawfully disposed of.

Unclaimed, lost, stolen, etc., property, to be registered and advertised.

Sec. 334. All property or money taken on suspicion of having been feloniously obtained, or of being the proceeds of crime, and for which there is no other claimant than the person from whom such property was taken, and all lost property coming into the possession of any member of the said police force, and all property and money taken from pawnbrokers as the proceeds of crime, or by any such member from persons supposed to be insane, intoxicated or otherwise incapable of taking care of themselves, shall be transmitted, as soon as practicable, to the property clerk, to be registered and advertised in the City Record for the benefit of all persons interested, and for the information of the public, as to the amount and disposition of the property so taken into custody by the police.

Id.; to be sold if unclaimed.

Sec. 335. If the property stolen or embezzled be not claimed by the owner before the expiration of six months from the conviction of a person for stealing or embezzling it, the officer having it in his custody must, on payment of the necessary expenses incurred in its preservation, deliver the same to the property clerk. The property so delivered to said property clerk, and all such other property, securities, moneys, things or choses in action that shall remain in the custody of the property clerk for the period of six months without any lawful claimant thereto, after having been advertised in the City Record for the period of ten days, may be sold at public auction in a suitable room to be designated for such a purpose, and the proceeds of such sale shall be paid into the police pension fund. No property shall be delivered to the property clerk or at the central office of the police department, except as provided by law.

Stolen property desired as evidence in criminal court.

Sec. 336. If any property or money placed in the custody of the property clerk shall be desired as evidence in any police or other criminal court, such property shall be delivered to any officer who shall present an order to that effect from such court. Such property, however, shall not be retained in said court, but shall be returned to such property clerk to be disposed of according to the previous provisions of this chapter.

Police force; arrests without warrant.

Sec. 337. The several members of the police force shall have power and authority to immediately arrest, without warrant, and to take into custody, any person who shall commit, or threaten, or attempt to commit, in the presence of such member, or within his view, any breach of the peace or offense directly prohibited by act of legislature, or by any ordinance made by lawful authority. The members of the police force shall possess in The City of New York and in every part of this state, all the common law and statutory powers of constables, except for the service of civil process, and any warrant for search or arrest, issued by any magistrate of this state, may be executed, in any part thereof, by any member of the police force, and all the provisions of sections seven, eight and nine of chapter two, title two, part four of the revised statutes, in relation to the giving and taking of bail shall apply to this chapter.

Id.; returns of arrest; accused to be taken before magistrate.

Sec. 338. In every case of arrest by any member of the police force, the same shall be made known immediately to the superior on duty in the precinct wherein the arrest was made, by the person making the same; and it shall be the duty of the said superior, within twenty-four hours after such notice, to make written return thereof, according to the rules and regulations of the police department, with the name of the party arrested, the alleged offense, the time and place of arrest, and the place of detention. Each member of the police force, under the penalty of ten days fine, or dismissal from the force, at the discretion of the police commissioner shall, immediately upon an arrest, convey in person the offender before the nearest sitting magistrate, that he may be dealt with according to law. If the arrest is made during the hours that the magistrate does not regularly hold court, or if the magistrate is not holding court, such offender may be detained in a precinct or station house thereof, until the next regular public sitting of the magistrate, and no longer, and shall then be conveyed without delay before the magistrate, to be dealt with according to law. And it shall be the duty of the said police commissioner, from time to time, to provide suitable rules and regulations to prevent the undue detention of persons arrested, which rules and regulations shall be as operative and binding as if herein specifically enacted, subject, however, to the order of the court committing the person arrested.

Penalty for personating policeman and for willful neglect of police.

Sec. 339. It shall be a misdemeanor punishable by imprisonment in the penitentiary for not less than one year, nor exceeding two years, or by a fine of not less than two hundred and fifty dollars, or the forfeiture of his position, for any member of the police force to willfully neglect to make any arrest for an offense against the law of the state, or any ordinance in force in The City of New York, and it shall be a misdemeanor, punishable in like manner, for any person not a member of the police force to falsely represent himself as being such a member, with a fraudulent design upon persons or property, or upon any day or time to have, use, wear or display, without specific authority from the police department, any uniform, shield, buttons, wreaths, numbers or other insignia or emblems in any wise resembling such as are worn by members of the police force; and the said police department is hereby authorized and directed, from time to time, to prescribe the uniforms, shields, emblems, insignia and weapons to be worn, displayed and used, and to regulate the wearing, display and use thereof, by any and all persons, excepting marshals and the sheriff, his under sheriff and deputies authorized under the laws of this state to make arrests for any cause in The City of New York.

Misdemeanor for persons not members of police force to serve criminal process.

Sec. 340. It shall be a misdemeanor for any person not being a regular member of the police established in any city of this state, or a member of the police force of The City of New York, or a constable of this state, or a police constable, or assistant police constable, or United States marshal, or other peace officer of this state, or a sheriff, or one of the usual general deputies of any sheriff of this state, to serve any criminal process within the said city.

Exemption from military and jury duty and civil process.

Sec. 341. No person holding office under this department shall be liable to military or jury duty, and no officer or patrolman while actually on duty shall be liable to arrest on civil process, or to service of subpoena from civil courts.

Steam boilers; inspection of; not to be operated without certificate.

Sec. 342. Every owner, agent or lessee of a steam boiler or boilers in use in The City of New York shall annually, and at such convenient times and in such manner and in such form as may, by rules

and regulations to be made therefor by the police commissioner, be provided, report to the said department the location of each steam boiler or boilers, and thereupon, and as soon thereafter as practicable, the sanitary company or such member or members thereof as may be competent for the duty herein described, and may be detailed for such duty by the police commissioner shall proceed to inspect such steam boilers, and all apparatus and appliances connected therewith; but no person shall be detailed for such duty except he be a practical engineer, and the strength and security of each boiler shall be tested by atmospheric and hydrostatic pressure and the strength and security of each boiler or boilers so tested shall have, under the control of said sanitary company, such attachments, apparatus and appliances as may be necessary for the limitation of pressure, locked and secured in like manner as may be from time to time adopted by the United States inspectors of steam boilers or the secretary of the treasury, according to act of congress, passed July twenty-fifth, eighteen hundred and sixty-six; and they shall limit the pressure of steam to be applied to or upon such boiler, certifying each inspection and such limit of pressure to the owner of the boiler inspected, and also to the engineer in charge of same, and no greater amount of steam or pressure than that certified in the case of any boiler shall be applied thereto. In limiting the amount of pressure, wherever the boiler under test will bear the same, the limit desired by the owner of the boiler shall be the one certified. Every owner, agent or lessee of a steam boiler or boilers in use in The City of New York shall, for the inspection and testing of such or each of such boilers, as provided for in this act, and upon receiving from the police department a certificate setting forth the location of the boiler inspected, the date of such inspection, the persons by whom the inspection was made, and the limit of steam pressure which shall be applied to or upon such boiler, or each of such boilers, pay annually to the police commissioner for each boiler, for the use of the police pension fund, the sum of two dollars, such certificate to continue in force for one year from the granting thereof, when it shall expire, unless sooner revoked or suspended. Such certificate may be renewed upon the payment of a like sum and like conditions, to be applied to a like purpose. It shall not be lawful for any person or persons, corporation or corporations, to have used or operated within The City of New York any steam boiler or boilers except for heating purposes and for railway locomotives, without having first had such boiler or boilers inspected or tested and procured for such boiler or each of such boilers so used or operated the certificate herein provided for. The superintendent and inspectors of boilers, in the employ of the police department, in the city of Brooklyn, and the boiler inspectors in Long Island City, shall continue to discharge the duties heretofore devolved upon them, subject, however, to removal for cause, or when they are no longer needed.

Id.; no person to use, or act as engineer for, without certificate.

Sec. 343. It shall not be lawful for any person or persons to operate or use any steam boiler to generate steam except for railway locomotive engines, and for heating purposes in private dwellings, and boilers carrying not over ten pounds of steam and not over ten horse-power, or to act as engineer for such purposes in The City of New York without having a certificate of qualification therefor from practical engineers detailed as such by the police department, such certificate to be countersigned by the officer in command of the sanitary company of the police department of The City of New York and to continue in force one year, unless sooner revoked or suspended. Such certificate may be revoked or suspended at any time by the police commissioner upon the report of any two practical engineers, detailed as provided in this section, stating the grounds upon which such certificate should be revoked or suspended. Where such certificate shall have been revoked, as provided in this section, a like certificate shall not in any case be issued to the same person within six months from the date of the revocation of the former certificate held by such person.

Id.; record of inspections to be kept.

Sec. 344. A correct record in proper form shall be kept and preserved of all inspections of steam boilers made under the direction of the police board, and of the amount of steam or pressure allowed in each case, and in cases where any steam boiler or the apparatus or appliances connected therewith shall be deemed by the department, after inspection, to be insecure or dangerous, the department may prescribe such changes and alterations as may render such boilers, apparatus and appliances secure and devoid of danger. And in the mean time, and until such changes and alterations are made and such appliances attached, such boiler, apparatus and appliances may be taken under the control of the police department and all persons prevented from using the same, and in cases deemed necessary, the appliances, apparatus or attachment for the limitation of pressure may be taken under the control of the said police department.

Id.; over-pressure forbidden; owner neglecting to report boiler.

Sec. 345. It shall not be lawful for any person or persons to apply or cause to be applied to any steam boiler a higher pressure of steam than that limited for the same in accordance with the provisions of this chapter and any person violating the provisions of the last preceding section shall be guilty of a misdemeanor. In case any owner of any steam boiler in the said city shall fail or omit to have the same reported for inspection, as provided by law, such boiler may be taken under the control of the police department and all persons prevented from using the same until it can be satisfactorily tested, as hereinbefore provided for, and the owner shall, in such case, be chargeable with the expense of so testing it.

Secs. 346-349. See Second Schedule at end of book.

Special patrolmen for district telegraph companies.

Sec. 350. The police commissioner is hereby authorized, in addition to the police force now authorized by law, to appoint a number of persons, not exceeding three hundred, who may be designated by any company which may be operating a system of signaling by telegraph to a central office for police assistance, to act as special patrolmen in connection with such telegraphic system. And the persons so appointed shall, in and about such service, have all the powers possessed by the members of the regular force, except as this may be limited by the regulations of the police commissioner, and they shall be subject to the supervision and control of the police department. No person shall be appointed as such special patrolman who does not possess the qualifications which may be required by the police commissioner for such special service; and the persons so appointed shall be subject, in case of emergency, to do duty as a part of the regular police force. The police commissioner shall have power to revoke any such appointment or appointments at any time, and every person so appointed shall wear a badge and uniform, to be furnished by such company and approved by the police department. Such uniform shall be designated at the time of the first appointment under this section, and shall be the permanent uniform to be worn by said special police. The pay of such special patrolmen and all expenses connected with their service shall be wholly paid by such company or companies, and no expense or liability shall at any time be incurred or paid by the police department for, or by reason of, the services of the persons so as aforesaid appointed.

Police pension fund; police commissioner trustee of; powers over.

Sec. 351. The police commissioner shall be the trustee of the police pension fund hereinafter mentioned, and shall be treasurer of the pension fund. He shall, before entering upon his duties as treasurer thereof, execute and deliver to the comptroller of The City of New York, a bond in the penal sum of one hundred thousand dollars, to be approved by the comptroller of The City of New York, and conditioned for the faithful discharge of his duties, and that he shall pay over and account for all moneys and property which shall come into his hands, of such treasurer. Such trustee shall have charge of and administer said funds, and from time to time invest the same, or any part thereof, as he shall deem most beneficial to said fund, and he is empowered to make all necessary contracts and take all necessary and proper actions and proceedings in the premises, and to make payments from such fund of pensions granted in pursuance of chapter four hundred and sixty-six of the laws of nineteen hundred and one, and also pensions now charged on said fund or any part thereof, by or under existing laws, and said trustee shall be the legal successor of the trustee or trustees of the police life insurance fund, and of any police pension fund heretofore existing within the limits of The City of New York, as constituted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, including the pension fund of the park police of the mayor, aldermen and commonalty of the City of New York, and the pension fund of the park police of the City of Brooklyn. The said trustee may, and he is authorized and empowered, from time to time, to establish such rules and regulations for the disposition, investment, preservation and administration of the police pension fund as he may deem best. He shall report in detail to the board of aldermen of The City of New York, annually, in the month of January, the condition of the police pension fund and the items of receipts and disbursements on account of the same. No payments whatever shall be allowed or made by said trustee from said fund as reward, gratuity or compensation to any person for salary or services rendered to or for said trustee. On or before the first day of February of each year the trustee shall make a verified report to the mayor of his proceedings as such trustee, containing a statement of all receipts and disbursements on account of said fund, together with the names and residences of each beneficiary for or on account of said fund. The bookkeeper of the police department shall have charge of the auditing of the accounts of said fund and be responsible to said trustee for the receipts and disbursements of all moneys that shall come into his hands for or on account of said fund, and he shall, from time to time, render said trustee a verified statement containing the names of all beneficiaries of said fund and the amounts paid them; and he shall immediately execute and deliver to said trustee a bond in the penal sum of ten thousand dollars to be approved by said trustee, and conditioned for the faithful discharge of his duties; and the provisions of section three hundred and fifty-five of chapter four hundred and sixty-six of the laws of nineteen hundred and one shall be applicable to said bookkeeper.

There shall be an auditing committee consisting of three members, to be appointed by the mayor, as follows: Two members to be selected from among the officers and members of the uniform force of the police department and one member to be selected from the retired members of the police department. It shall be the duty of this committee on or before the first day of March in each year to examine the condition of said relief fund

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and to audit the account of the said trustee.—As amended by Laws 1904, Chapter 626.

Id.; funds to be paid trustees; exemption from execution and process; false swearing in pension claims.

Sec. 352. The said police pension funds existing in said City of New York as constituted by this act, or in any part thereof when this act takes effect, and all moneys, bonds, investments, securities, revenues and incomes thereof, or belonging thereto, in whose hands soever or whatever the same may be, shall be paid over and delivered on demand to the police commissioner. The moneys, securities and effects of the police pension fund, and all pensions granted and payable from said fund shall be and are exempt from execution and from all process and proceedings to enjoin and recover the same by or on behalf of any creditor or person having or asserting any claims against, or debt or liability of, any pensioner of said fund. Every person who knowingly or wilfully in any wise procures the making or presentation of any false or fraudulent affidavit or affirmation concerning any claim for pension or payment thereof shall in every such case forfeit a sum not exceeding two hundred and fifty dollars, to be sued for and recovered by and in the name of the said trustees, and, when recovered, to be paid over to and thereupon become a part of the said police pension fund. Any person who shall wilfully swear falsely in any oath or affirmation in obtaining or procuring any pension or payment thereof, under the provisions of this chapter, shall be guilty of perjury.

Id.; of what it consists.

Sec. 353. The said police pension fund shall consist of:

1. The capital, interest, income, dividends, cash, deposits, securities and credits formerly belonging to the police life insurance fund, and any police pension fund, existing as aforesaid, with the addition thereto, from time to time, of

2. All forfeitures imposed by the police department, from time to time upon or against any member or members of the police force; and of

3. All rewards, fees, gifts, testimonials and emoluments that may be presented, paid or given to any member of the police force on account of police services, except such as have been or shall be allowed by the police commissioner to be retained by the said members, and also all gifts or bequests which may be made to the said pension fund, or to the said police commissioner as trustee thereof.

4. All lost, abandoned, unclaimed, or stolen money remaining in the possession of the property clerk of the police department for the space of one year, and for which there shall be no lawful claimant, and all moneys arising from the sale by said property clerk of unclaimed, abandoned, lost or stolen property, and all moneys realized, derived or received from the sale of any condemned, unfit or unserviceable property belonging to or in possession or under the control of the police department; and of

5. All moneys, pay, compensation or salary, or any part thereof, forfeited, deducted or withheld from any member or members of the police force on account of absence for any cause, loss of time, sickness or other disability, physical or mental, to be paid monthly by the comptroller to the police pension fund.

6. The comptroller of The City of New York, or other person or officer having the legal custody thereof is hereby authorized, empowered and directed to pay in equal quarterly installments to the police commissioner, as the trustee and treasurer of the police pension fund, without any further action or authority from any other official body or officer, a sum, hereinafter prescribed, out of the shares of the excise moneys, as distributed under the provisions of section thirteen of chapter one hundred and twelve, laws of eighteen hundred and ninety-six, known as the liquor tax law, as amended by chapter three hundred and twelve, laws of eighteen hundred and ninety-seven; chapter three hundred and sixty-seven, laws of nineteen hundred, and chapters one hundred and fifteen and four hundred and eighty-six of the laws of nineteen hundred and three; which said excise moneys are derived from the granting of licenses or permission to traffic in or sell strong or spirituous liquors, ale, wine or beer within the limits of the boroughs of Manhattan and the Bronx, Brooklyn, Queens and Richmond, as constituted by chapter three hundred and seventy-eight, laws of eighteen hundred and ninety-seven and re-enacted in chapter four hundred and sixty-six of the laws of nineteen hundred and one, said sums to be paid in the following proportions, namely: Boroughs of Manhattan and the Bronx, three hundred thousand dollars; borough of Brooklyn, one hundred thousand dollars; borough of Queens, fifteen thousand dollars.

7. All moneys received or derived from the granting or issuing of licenses to have and possess pistols or revolvers in dwellings or places of business, or to have and carry concealed a pistol or revolver in said city. No such license shall be granted or issued to any person in The City of New York except upon the payment of such fee therefor as may be prescribed by ordinance of the board of aldermen. No such license shall continue in force for more than one year, but the same may be reissued from year to year upon the payment of a like fee. The police commissioner, or any other official authorized by section eighteen hundred and ninety-seven of the penal law to issue a license to any person to have and possess a pistol or revolver in his dwelling or place of business, or to have and carry concealed a pistol or revolver, shall only grant and issue a license for any such purpose in a proper case, upon the payment of the fee prescribed by the board of aldermen under the power conferred by this subdivision, and all such moneys shall be paid into the police pension fund; provided that no fee shall be prescribed, charged or collected for a license to have and carry concealed a pistol or revolver which shall be issued upon the application of the commissioner of correction, or the warden or superintendent of any prison, penitentiary, workhouse or other institution for the detention of persons convicted or accused of crime or offenses, or held as witnesses in criminal cases, in the city.—As amended by Laws of 1914, chap. 460.

8. All moneys received or derived from the granting or issuing the permits, or the giving of permission to give masked balls, entertainments or parties, or either of them in The City of New York. No masquerade or fancy dress ball or other entertainment shall be given or permitted in The City of New York, except upon condition that a license fee therefor of not less than five dollars nor more than one hundred dollars shall first be paid to the police department, who are authorized to demand and receive the same for the benefit of the police pension fund.

9. A sum of money equal to but not greater than two percentum of the monthly pay, salary or compensation of each member of the police force, which sum shall be deducted monthly by the comptroller from the pay, salary or compensation of each and every member of the police force and the said comptroller is her by authorized, empowered and directed to deduct the said sum of money as aforesaid and forthwith to pay the same to the treasurer and trustee of the police pension fund.

10. Any and all other moneys and funds which, but for the passage of this act, would have been part of or applicable to any police pension fund at the time this act takes effect or thereafter within the limits of The City of New York as constituted by chapter three hundred and seventy-eight, laws of eighteen hundred and ninety-seven, and re-enacted in chapter four hundred and sixty-six of the laws of nineteen hundred and one.

11. And any and all unexpended balances of appropriation or amounts estimated, levied, raised or appropriated for the payment of salaries or compensation of members of the police force within said City of New York remaining unexpended or unapplied after allowing all claims payable therefrom. And the comptroller is hereby authorized and directed to pay over to the police pension fund such unexpended balances or any part thereof, at any time after the expiration of the year for which the same were made and appropriated, and after allowing sufficient to satisfy all claims payable therefrom as aforesaid.

12. In case the amount derived from the different sources mentioned and included in this section shall not be sufficient at any time to enable the police commissioner to pay in full the pensions which have been or which may hereafter be granted, it shall be the duty of the police commissioner each year at the time of making up the departmental estimate, to prepare a full and detailed statement of the assets of said police pension fund and the amount which is required to pay in full all such pensions and to present the same to the board of estimate and apportionment, together with a statement of the amount of money required to enable the said commissioner to pay the said pensions in full. It shall be the duty of said board of estimate and apportionment and the board of aldermen to make an appropriation sufficient to provide for such deficiency and the amount so appropriated shall be included in the tax levy, and the comptroller shall pay over the money to the police commissioner.

13. And the said police commissioner is hereby authorized and empowered to take and hold as trustee of such fund, any and all gifts or bequests which may be made to such fund.—As amended by Laws 1903, Chapter 437, changing subdiv. 11; and Laws 1904, Chapter 626.

Id.; pensions classified.

Sec. 354. The police commissioner shall have power, in his discretion, to retire and dismiss from membership in the said police force, and thereupon to grant pensions to, as hereinafter provided, any member of the police force of said city who shall have become disabled, physically or mentally, or superannuated by age so as to be unfit for police duty, and to dependent parents, widows, and orphans of such members to be paid from the police pension fund as follows:

1. To the dependent parent or parents, or widow of any member of the police force within the limits of said city, who shall have been killed while in the actual performance of duty, or shall have died from the effects of any injury received whilst in the actual discharge of such duty the sum of not more than six hundred dollars per annum and to the widow of any member of such force who has died, or who shall hereafter die after ten years of service in the police force within the limits of the City of New York, as constituted by this act, or who shall have been retired upon a pension, if there be no child or children under eighteen years of age of any such member, the sum of not exceeding three hundred dollars per annum, in the discretion of said commissioner; but if there be any such child or children of such member under the age aforesaid, then the said sum may be divided between such widow, child or children in such proportions and in such manner as the said trustee may direct; provided, however, that the foregoing provisions shall not be applicable to the dependent parent or widow, child or children of any member of the police force within the limits of said city who shall have been killed or died prior to the taking effect of the Greater New York charter, unless such dependent parent, or widow, child or children would have been entitled to a pension under the laws in force at that time; and provided further that in no event shall such dependent parent, or widow, child or children receive a greater pension than sho, it or they would have been entitled to under the laws in force immediately prior to the taking effect of the Greater New York charter. A pension or increase of pension granted pursuant to this subdivision to the dependent parent, or widow of a member of the police force, who shall

have been killed while in the actual performance of duty, or shall have died from the effects of any injury received whilst in the actual discharge of such duty, shall accrue and be paid from the date of the death of such member.

2. Subject to the like limitations, to any child or children under eighteen years of age of such member killed or dying as aforesaid, or pensioner as aforesaid, but leaving no widow, or, if a widow, then after her death to such child or children being yet under eighteen years of age, a sum not exceeding six hundred dollars per annum.

3. Subject to the like limitations, to any such member of any such police force, who, whilst in the actual performance of duty, and by reason of the performance of such duty and without fault or misconduct on his part, shall have become permanently disabled, physically or mentally so as to be unfitted to perform full police duty, a sum not exceeding one-half nor less than one-fourth of his rate of compensation per annum.

4. To any such member of the said police force who shall, after ten years and less than twenty-five years' membership in any such police force, become superannuated, by age, permanently insane or mentally incapacitated, or disabled physically or mentally, so as to be unfitted or unable to perform full police duty by reason of such disability or disease contracted without misconduct on his part, a sum not to exceed one-half nor less than one-fourth of his rate of compensation per annum.—As ameuded by Laws 1907, Chapter 445.

5. A member of the police force who shall have been retired under the provisions of this section on account of physical disability may, upon his application therefor, be reinstated by the commissioner as an active member of such force with the same rank and rating which he had upon his retirement, if, upon satisfactory proof presented to the commissioner, such commissioner shall determine that such disability has been removed and that the applicant is physically fit for duty in such position and rank; provided, however, that the applicant shall, if reinstated, file with the commissioner his release duly executed and acknowledged of the right or claim to a pension in the period during which he shall serve under such reinstatement.—Added by Laws of 1916, Chap. 208.

Id.; when members of force entitled to pension; amount and duration.

Sec. 355. Any member of the police force being of the age of fifty-five years who has or shall have performed duty on such police force as aforesaid for a period of twenty years or upwards, upon his own application in writing, may, or upon a certificate of so many of the police surgeons as the police commissioner may require, showing a member of whatever age who has served twenty years is permanently disabled, physically or mentally so as to be unfit for duty, shall, by order of the police commissioner, be relieved and dismissed from said force and service and placed on the roll of the police pension fund, and awarded and granted, to be paid from said peusion fund, an annual pension during his lifetime of a sum not less than one-half of the full salary or compensation of such member so retired; and any member of the police force who has, or shall have performed duty on any such force aforesaid, for a period of twenty-five years or upwards, being of the age of fifty-five years, or any member of any such police force who is an honorably discharged soldier or sailor from the army and navy of the United States in the late civil war, who shall have reached the age of sixty years, or any such soldier or sailor who has performed duty on any such force for a period of twenty years, upon his own application in writing, provided there are no charges against him pending, must be relieved and dismissed from said force and service by the department and placed on the roll of the police pension fund and awarded and granted, to be paid from said peusion fund, an annual pension during his lifetime of the sum not less than one-half of the full salary or compensation of such member so retired; and the said commissioner may in like manner relieve and dismiss from the service and place on the roll of the police pension fund, and grant and award a pension to any member of said force other than an honorably discharged soldier or sailor of the Mexican or late civil war who shall have reached the age of sixty years. The said police commissioner shall award and grant pensions to the chief of police of three thousand dollars; to each deputy chief of police, twenty-five hundred dollars; to each inspector, seventeen hundred and fifty dollars; to each captain of the police, thirteen hundred and seventy-five dollars, and to each sergeant and detective sergeant of police hereafter relieved and dismissed from said force and service and placed on the roll of the pensiou fund, as hereinfore provided, the sum of one thousand dollars per annum hereafter, and to each captain of police heretofore relieved and dismissed from said force and placed on the roll of the police pensiou fund, as hereinhefore provided, who, at the time when he was so relieved and dismissed and at the time when be was so placed on tbe roll of said pension fund, was receiving an aunual salary of twenty-seven hundred and fifty dollars, the sum of thirteen hundred and seventy-five dollars per aunum hereafter. Pensions grauted under this section shall be for the natural life of the pensioner, and shall not be revoked, repealed or diminished. In case any member shall have voluntarily left any such police force, and served into the United States service, and served in the war of the rebellion, in the army or navy, and received an honorable, discharge, and afterward shall have been reinstated or reappointed in the police force, the time of his service in the army or navy shall he considered as continuous service in the police force. Pensions may, in the discretion of the said police commissioner be continued and paid to the widows and children, or, if no widow, to the child or children while under the age of eighteen years of any member of the police force to whom pensions shall have been granted, provided, however, that such pension to such widows or children, as the case may be, shall, in no instance, exceed six hundred dollars per annum, and the same may, in the discretion of the said commissioner, be, from time to time, and at any time diminished, modified or revoked; provided, however, that no member of either of the police forces by this act consolidated, having a right to retire upon a pension at the time this act takes effect, shall be deprived of such right by reason of his remaining upon the police force, or of anything in this act contained. In determining the terms of service of any member of the police force, service in the municipal and metropolitan force, and subsequeutly in the police force of The City of New York, as heretofore constituted, or in any police force within the limits of The City of New York as hereby constituted, and thereafter in the police force created by this act, shall be counted and held to be service in the police force of The City of New York for all the purposes of this chapter.

Id.; when certain pensions terminate; equalizing existing pensions.

Sec. 356. Pensions to widows shall terminate when the widow shall re-marry and pensions to children shall terminate whenever the children shall respectively marry or arrive at the age of eighteen years. The police commissioner may, in his discretion, order any pension granted or any part thereof, to cease, or be diminished, except those pensions as to which it is otherwise provided in this act, and as therein provided; but in all such cases the said police commissioner shall file with the papers of the police pension fund a written statement of the causes which determined bim in ordering any pension so to cease or to be diminished; and nothing herein, or in any other act contained, shall render the granting of any peusion obligatory on the police commissiouer or chargeable as a matter of right upon said police pension fund, except as herein provided. All existing peusions lawfully granted, payable out of the police life insurance fund, or any police peusion fund of which the police commissiouer is made trustee hy this chapter, aud not lawfully revoked, are continued and shall be paid out of the police pension fund in pursuance of the limitations aud provisious of this chapter.

Id.; certificate of disability; department may make rules.

Sec. 357. No member of the police force shall be granted, awarded or paid a pension on account of physical or mental disability or disease, unless a certificate of so many of the police surgeons as the police board may require, which shall set forth the cause, nature and extent of the disability, disease or iniury of such member, shall be filed in the department. And no member shall be retired unon pension or be pensioned, nor shall any pensiou he awarded, granted or paid except as provided iu this chapter, any other law to the contrary uotwithstanding. The said police department is authorized and empowered to make and adopt all such rules, orders and regulations as are or may be uecessary to carry out and enforce the provisions of this act as to pensions. Neither the police commissioner nor either deputy police commissioner shall be members of the police force within the meaning of the provisions of this act relating to peusions, nor he entitled to any pension, nor share in the relief pension fund of the police department.

Disposition of proceeds of sale.

Sec. 358. All moneys realized by sales under this chapter shall he paid over to the chamberlain of The City of New York, to the credit of the general fund of said city.

Designation of station houses for confinement of women.

Sec. 359. The police commissioner shall designate one or more station houses for the detention and confinement of women under arrest in The City of New York. Such commissioner may at any time designate for such purposes any additional station house or houses, or may revoke the desiguation of any station bouse or houses theretofore designated, provided that at least oue such station house shall at all times be so designated for such purpose in such city. In every station house to which police matrons are appointed toilet accommodations shall be provided for such matrons, which accommodations shall be wholly separate and apart from the toilet accommodations provided for prisoners, or for the other officers attached to such station house.

Appointment of police matrons.

Sec. 360. The police commissioner shall appoiut for each station house designated in the last section, not more than two respectable women, who shall be known as police matrons, in the same manner and under restrictions governing the appointment of patrolmen so far as the same may be applicable, except that any rule or regulation as to the age of a person appointed patrolman shall not apply to matrons appointed under this act. No woman shall he appointed a police matron, unless suitable for the position and recommended therefor in writing by at least twenty women of good standing, residents of The City of New York. Police matrons shall be appointed to station houses to which police courts are attached and to station houses which are in close proximity to a police court. In case there is no police court in close proximity to a station

house in said city, then police matrons may be appointed to any station house therein.

Police matrons to be members of uniformed force.

Sec. 360a. Such police matrons shall be regular members of the uniformed police force, and shall have the same standing in the police department and be subject to the same fines, discipline and benefits as patrolmen. They shall be provided with a suitable shield or badge, or badge of office, and shall, while on duty, wear a uniform similar in color to that worn by other members of the uniformed police force. No police matron who shall become a member of the uniformed police force shall,under any pretense whatever share in for her own benefit, any present, fee, gift, emolument for police services, or for services of the police department or any member thereof, additional to her regular salary; and it shall be cause for removal from the police force for any matron thereof to receive any such reward or present or to receive compensation for any privilege whatever which she may grant to the women prisoners under her charge.

Terms of office, removal, salary.

Sec. 361. Police matrons shall, upon appointment, hold office until removal, and they may be removed at any time, by the authority appointing them, under the regulations prescribed for the removal of patrolmen. Immediately upon the death, resignation or removal of a police matron, her successor shall be appointed in the manner hereinbefore provided. A police matron shall receive the same salary as the doorman in the station house to which she may be appointed.

Duties of police matrons.

Sec. 362. When only one police matron is attached to a police station, she shall reside there, or within a reasonable distance therefrom, and shall hold herself in readiness to respond to any call therefrom at any hour, day or night, and each matron shall, during such hours as may be fixed by the police commissioner, remain in such station and hold herself in readiness to respond to any call therefrom. So long as any woman is detained or held under arrest in a police station to which a matron is attached, it shall be the duty of such matron to remain constantly thereat ready for service; or, if there be more than one matron attached to such station then one of them shall be constantly ready for service. A police matron shall, subject to the officer in charge of such station house, have the immediate care and charge of all women held under arrest in the station to which she is attached, and she may at any time call upon the officer in command of such station for assistance. She shall be subject to the authority of the police commissioner and to the rules and regulations prescribed by such authority; but at the station where she may be appointed on duty she shall be subject only to the authority of the officer in command thereof.

Police commissioner to provide accommodations for women.

Sec. 363. It shall be the duty of the police commissioner to provide sufficient accommodations for women held under arrest to keep them separate and apart from the cells, corridors and apartments provided for males under arrest, and to so arrange each station house that no communication can be had between the men and women therein confined, except with the consent of the matron or officer in command of said station house. No officer, other than the matron, shall be admitted to the corridor or cells of the women prisoners without the consent of the officer in command of said station house.

Proceedings where woman is arrested.

Sec. 364. Whenever a woman is arrested and taken to a police station, to which a matron is attached, it shall be the duty of the officer in command of the station to cause such matron to be summoned forthwith, and whenever a female is arrested in any precinct to which no matron is attached she shall be taken directly to the station house designated to receive the women prisoners of the precinct in which the arrest is made. No such separate confinement nor any such removal of any woman, shall operate to take from any court any jurisdiction which it would have had. The term "woman" used in sections three hundred and fifty-nine to three hundred and sixty-six, inclusive, shall not include any female either actually or apparently under the age of sixteen years whose care is assumed by any society referred to in section two hundred and ninety-three of the penal code; but every such female shall be taken directly to a station house designated to receive women prisoners and shall be at once transferred therefrom by the officer in charge, to the custody of such society.

Appropriation for salary and maintenance.

Sec. 365. The board of estimate and apportionment and the board of aldermen shall appropriate annually such sum as may be necessary for the separate care and confinement in station houses of all women arrested in such city, and for the appointment, salary and maintenance of police matrons.

Matrons to contribute to pension fund and share therein.

Sec. 366. Every police matron upon being appointed to the uniformed force, shall each year thereafter, and under the regulations prescribed for patrolmen, contribute two per centum of the salary received by her to the pension fund of the police force, and all fines and forfeitures imposed upon police matrons of the uniformed force, or emoluments received by them under the regulations prescribed for patrolmen, shall be contributed to the pension fund of the police force. A police matron who shall have performed duty on such police force for a period of twenty years or upward, upon her own application in writing may, or upon the certificate of so many of the police surgeons as the police board may require, showing that a matron of whatever age who has served twenty years as police matron is permanently disabled physically or mentally, so as to be unfit for duty, shall, by order of the police board, be relieved and dismissed from said force and service and placed on the roll of the pension fund, and awarded and granted to be paid from said fund an annual pension during her lifetime of a sum not less than one-half of the full salary or compensation of such matron so retired. Pensions granted under this section shall be for the natural life of the pensioner and shall not be revoked or diminished. The police board shall have power in its discretion, to retire or dismiss from membership in the police force and thereupon grant a pension annually of not less than twenty-five per centum nor more than fifty per centum of her compensation to, any police matron who having served less than twenty-five years shall become physically or mentally incapacitated for further service in the department through injuries received during the performance of her duties.—As amended by Laws of 1903, Chapter 396.

Certain act not applicable.

Sec. 367. Chapter four hundred and twenty of the laws of eighteen hundred and eighty-eight, entitled "An act to provide for police matrons in cities," as amended by chapter ninety of the laws of eighteen hundred and ninety-one, shall not be applicable to The City of New York.

CHAPTER IX.

BOROUGH OFFICERS.

Title 1. Borough officers.
Title 2. Bureau of buildings.

TITLE I.

BOROUGH OFFICERS.

President: qualifications, term, election, salary.

Sec. 382. There shall be a president of each borough, who must be a resident thereof at the time of his election and remain a resident thereof throughout his term of office. The president and his successors shall be elected by the electors of the boroughs at all the elections whereat the mayors of The City of New York are respectively to be elected. The president shall hold his office for a term of four years, commencing on the first day of January next after his election. The salary of the presidents of the boroughs of Manhattan, of the Bronx and of Brooklyn, respectively, shall be seven thousand five hundred dollars a year, and the salary of the presidents of the boroughs of Queens and of Richmond, respectively, shall be five thousand dollars a year. A president of a borough may be removed in the same manner as the mayor, as provided in other sections of this act. Any vacancy in the office of president caused by removal from the borough or otherwise, shall be filled for the unexpired term by an election to such vacancy made by a majority vote of all the members of the board of aldermen then in office representing said borough, and in case of any such vacancy it shall be the duty of the mayor forthwith to call such members in session for such an election and to preside thereat; but he shall not vote unless his vote be necessary to decide the election.—As amended by Laws 1905, Chapter 633.

President of borough; powers and duties.

Sec. 383. The president of a borough shall, by virtue of his office, be a member of the local board of every district of local improvements in his borough, and chairman thereof, entitled to preside at its meetings and to vote as any other member. He shall have an office in such hall or public building of the borough as the board of aldermen may by resolution direct. He may appoint and at pleasure remove a commissioner of public works for his borough, who may discharge all the administrative powers of the president of the borough relating to streets, sewers, public buildings and supplies conferred upon him by this act; and who shall, in the absence or illness of such president discharge all the duties of such president. He may also appoint and remove an assistant commissioner of public works, who may discharge such powers and perform such duties as may be in writing conferred upon him by said president of the borough. He shall have power to appoint a secretary and such assistants, clerks and subordinates as he may deem necessary, if provision be made therefor by the board of estimate and apportionment and the board of aldermen. The said secretary, assistants, clerks and subordinates shall hold office at the pleasure of the president, subject to the provisions of the civil service laws. He shall, within the borough for which he shall have been elected, have cognizance and control:

1. Of regulating, grading, curbing, flagging and guttering of streets and laying of crosswalks.

2. Of constructing and repairing public roads.

3. Of paving, repaving, resurfacing and repairing of all streets, and of the relaying of all pavements removed for any cause.

4. Of the laying or relaying of surface railroad tracks in any public street or road, of the form of rail used, or character of foundation, and the method of construction, and of the restoration of the pavement or surface after such work.

5. Of the filling of sunken lots, fencing of vacant lots, digging down lots, and of licensing vaults under sidewalks.

6. Of the removal of incumbrances.

7. Of the issue of permits to builders and others to use or open the streets.

8. Of the construction and maintenance of all bridges and tunnels which are within his borough, and form a portion of the highways thereof, except such bridges as cross navigable streams.

9. Of all subjects relating to the public sewers and drainage of his borough, and shall initiate the making of all plans for the drainage of his borough, except as otherwise specifically provided in this act. He shall have charge of the construction of all sewers in accordance with said plans. He shall have in charge the management, care and maintenance of the sewer and drainage system of the borough of which he shall be president and the licensing of all cisterns and cesspools.

10. Of the construction, repairs, cleaning and maintenance of public buildings, including markets, except schoolhouses, almshouses, penitentiaries and fire and police station houses, and other buildings whose care and custody are otherwise provided for in this act.

11. Of the care and cleaning of all offices leased or occupied for public uses.

12. Of the location, establishment, care, erection and maintenance of the public baths, public urinals and public comfort stations; and of the placing of all signs indicating the names of the streets and other public places.

The president of each borough shall prepare all contracts relating to his borough, subject to the approval as to form by the corporation counsel. He shall have such other powers as are expressly conferred upon him by this act, and such other powers as may be conferred upon him by the board of aldermen. He shall make an annual report of the business and transactions of his borough to the mayor.

The presidents of the boroughs of Queens and Richmond shall, each for the borough of which he shall have been elected president, in addition to the powers above specified, have cognizance and control:

1. Of the sweeping and cleaning of the streets of the borough, and of the removal or other disposition as often as the public health and the use of the streets may require, of ashes, street sweepings, garbage and other light refuse and rubbish, and of the removal of snow and ice from leading thoroughfares and from such other streets as may be found practicable.

2. Of the framing of regulations controlling the use of sidewalks and gutters by abutting owners and occupants for the disposition of sweepings, refuse, garbage or light rubbish, within the borough, which, when so framed, and approved by the board of aldermen, shall be published in like manner as city ordinances, and shall be enforced by the police department in the same manner and to the same extent as such ordinances, together with such other powers concerning street cleaning, as are expressly conferred upon them by this act.

3. The said presidents of the boroughs of Queens and Richmond shall have power to appoint such subordinates as may be necessary to enable them to carry into effect the provisions of this act regarding cleaning the streets of this borough, but the aggregate salaries of such officers shall not exceed in any one year the amount appropriated therefor by the board of estimate and apportionment and the board of aldermen. The said presidents of the boroughs of Queens and Richmond shall, so far as possible, select such subordinates from the members of the street cleaning department employed within said boroughs at the time when this act shall take effect. The said presidents of the boroughs of Queens and Richmond shall have such other powers relating to street cleaning within said boroughs as are conferred upon the commissioner of street cleaning by sections five hundred and forty-one, five hundred and forty-three, five hundred and forty-four and five hundred and forty-five of this act.

Whenever by any of the provisions of this act powers are conferred or duties are imposed upon a president of a borough, such powers may be exercised and such duties may be performed, upon the request of said president, by the commissioner of public works of said borough, if such official shall have been appointed, and if not, by any subordinate duly appointed by the president of said borough under the powers conferred upon him by this act, and duly designated thereto in writing; and such powers and duties when exercised or performed by such commissioner of public works or other appointee shall be regarded as having been exercised or performed by such president in the same manner as if such powers and duties had been actually exercised or performed by such president personally.—As amended by Laws 1907, Chapter 383.

President to call meetings of local board.

Sec. 384. The president of a borough shall call all meetings of the various local boards of the borough, and shall give such notice thereof to the members as the ordinances of the board of aldermen may require. And he shall certify all resolutions, proceedings and determinations of the local boards of the districts of local improvements in his borough.

Halls or buildings to be located in each borough.

Sec. 385. There may be a hall or public building or buildings in each borough, at which may be stationed deputies of such of the various administrative departments of the city government as may be authorized by the board of aldermen, for the greater convenience of the people of the city in the discharge of the duties thereof, provided such deputies or divisions shall be in all things as much a part of each department respectively, and as fully under the head thereof, as if the administrative force of said department were seated wholly in one building.

Employment of engineers and architects.

Sec. 386. The president of each borough may at any time employ, when thereto authorized by the board of estimate and apportionment and the board of aldermen, a consulting engineer, who shall be an expert in all matters relating to sewers and highways, and who shall have had fifteen years' experience as a civil engineer; and a consulting engineer of public buildings, who shall be an expert in the matter of construction, repair and maintenance of public buildings; and a consulting architect, who shall be an architect of recognized, scientific and artistic standing of not less than fifteen years' experience. All other engineers or assistant engineers appointed by or under the authority of a borough president must be civil engineers of at least three years' experience.

The office of commissioner of street improvements in the twenty-third and twenty-fourth wards abolished; devolution of powers.

Sec. 387. The office of commissioner of street improvements of the twenty-third and twenty-fourth wards of The City of New York, created by chapter five hundred and forty-five of the laws of eighteen hundred and ninety, is hereby abolished, and all the powers, privileges and duties of the said commissioner of street improvements for the said twenty-third and twenty-fourth wards, which in any way relate to the regulating, grading, regrading, curbing, flagging and guttering of streets, laying of crosswalks, the constructing and repairing of public roads, paving, repairing and repaving of all streets and the relaying of all pavements removed for any cause, of the filling of sunken lots, or which in any way relate to the sewers and drainage of the said twenty-third and twenty-fourth wards, and to the construction, repair and cleansing of sewers and underground drains, and of the licensing of the cisterns and cesspools therein, and of all matters in any way relating to the construction, maintenance and care of the sewer system and drainage of said wards, are hereby, so far as the same are consistent with the requirements of this act, devolved upon the president of the borough of the Bronx, and are to be exercised and performed by him or by the commissioner of public works appointed by him according to the provisions of this act.

Devolution of powers of former officers; highways.

Sec. 388. All powers and duties which on the first day of January, nineteen hundred and two, are conferred upon the commissioner of highways of The City of New York, and all powers and duties which on December thirty-first, eighteen hundred and ninety-seven, were conferred upon the corporation heretofore known as the mayor, aldermen and commonalty of The City of New York, or upon any board or officer thereof, or upon the corporation known as The City of Brooklyn, or upon any board or officer thereof, or upon the corporation known as Long Island City, or upon any board or officer thereof, and upon any other municipal corporation, town or village, within the county of Richmond, or within the county of Queens in any way relating to the regulating, grading, regrading, curbing, flagging and guttering of streets, the laying of crosswalks, the constructing and repairing of public roads, paving, repaving and repairing of all streets, and the relaying of all pavements removed for any cause, the filling of sunken lots, and all matters directly related thereto, are hereby vested in The City of New York, as constituted by this act, and as matter of administration devolved upon the president of the borough within which is situated the territory to which or to the official representatives of which said powers and duties heretofore appertained, and by him are to be executed pursuant to the provisions directions and limitations of this act.

Devolution of powers of former officers; sewers.

Sec. 389. All powers and duties heretofore conferred upon The City of New York as heretofore known and bounded, or any of the officers thereof, or upon The City of Brooklyn, or any of the officers thereof, or upon Long Island City or any of the officers thereof, or upon any board of public officers acting within any of the territory of the County of Richmond, or within that part of the territory of the county of Queens, hereby annexed by this act to the corporation known as the mayor, aldermen and commonalty of The City of New York, and by this act consolidated into one municipal corporation which in any way relate to the public sewers and drainage of the said cities, municipal corporations, town or territory, and to the construction repair and cleansing of sewers and underground drains and of the licensing of cisterns and cesspools therein and to all matters in any way concerning the construction and care of the sewer system and drainage thereof, so far as such powers and duties are consistent with and conformable to the provisions of this act, are hereby vested in The City of New York, and as matter of administration devolved upon the president of the borough within which is situated the territory to which or to the official representatives of which said powers and duties heretofore appertained, to be by him executed in accordance with the provisions, directions and limitations of this act.

Maps, etc., to be turned over to borough presidents.

Sec. 390. The commissioner of highways and the commissioner of sewers, as constituted by chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, are hereby respectively required and directed to turn over and deliver, on the first day of January, nineteen hundred and two, to the several borough presidents of the various boroughs included within The City of New York, so far as the same shall apply to the borough of which each is president, all maps, plans, models, surveys, books

and papers relating to highways or to sewers, filed with or communicated to said commissioners respectively or turned over to them or either of them by his or their predecessors, and all official records and papers of every kind in the possession of them or either of them. And the commissioner of public buildings, lighting and supplies as constituted by chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven is hereby required and directed to turn over and deliver to the various borough presidents, on the first day of January, nineteen hundred and two, all maps, plans, models, books and papers, and all official records and papers of every kind in his possession, relating to the designing, construction and maintenance of public buildings, to each president such plans as pertain to the borough within which he has jurisdiction.

Permit for removals of pavements, etc.; procedure in case of pavements relaid, etc.

Sec. 391. No removal of the pavement or disturbance of the surface of any street for the purpose of constructing vaults or lateral ways, digging cellars, laying foundations of buildings or other structures, making sewer connections, or repairing sewers or pipes, of laying down gas and water pipes, steam pipes and electric wires, or introducing the same into buildings, or for any purpose whatever, shall be made until a permit is first had from the president of the borough where the work is to be done; and whenever any portion of the pavement in any street or avenue in said city shall have been removed for any of these purposes, and such pavement shall not be relaid in a manner satisfactory to the president of said borough, the said president may cause a notice, in writing, to be served upon the person or corporation by whom the same was removed; or if such removal was for the purpose of making connection between any house or lot, or any sewer or pipes in the street, or for constructing vaults, or otherwise improving any house or lot, upon the owner or occupant of such house or lot, requiring such person or corporation, or the owner or occupant of such house or lot, to have such pavement properly relaid within five days after service of such notice. Such notice may be served upon the owner or occupant of a house or lot by leaving the same with any person of adult age upon said premises, or posting the same thereupon; in case such pavement, or portion thereof, shall not be relaid to the satisfaction of said borough president within the time specified in such notice, it shall be lawful, and authority is hereby given to said borough president to have such pavement, or the portion thereof which shall have been so unsatisfactorily laid put in proper order and repair, in such manner as he may deem best, on account of the person or corporation by whom such pavement was removed, or of the owner of the premises for whose benefit such removal was made. Upon the costs of such work being certified to the comptroller of The City of New York by the said borough president, with a description of the lot or premises to improve which such removal was made, said comptroller shall pay the same, and the amount so paid shall become a lien and charge upon the premises so described, and, on being certified by the comptroller to the collector of assessments and arrears, may be collected in the same manner that arrears and water rates are collected under the direction of such collector of assessments and arrears. But nothing herein contained shall be deemed to prohibit said borough president from demanding, before issuing said permit, and as a condition thereof, the deposit of such sum of money or other security as, in his judgment, may be necessary to pay the cost of properly relaying the pavement so removed, together with the expense of the inspection thereof and the expenses incidental to the issuing of said permit and the making of refunds thereon.—As amended Laws of 1916, Chap. 497.

Overflow sewers; where discharged.

Sec. 392. Any overflow sewers which may be deemed necessary for the relief of any main sewers now constructed or which may hereafter be construc[illegible] in said city, may be discharged into the waters adjacent to said city, or into the Gowanus canal, or any other canal or inlet in said city, at such points as in the judgment of the president of the borough in which said overflow sewer is located may be most convenient.

Canals to be kept free from obstructions.

Sec. 393. It shall be the duty of The City of New York to keep any canal free from any obstructions that may be occasioned by reason of the emptying of said overflow sewers into it, and for that purpose the president of the borough in which such canal is located is authorized and directed to dredge the same from time to time.

Power to construct temporary sewers, expenses of same.

Sec. 394. Whenever it shall become necessary to construct a sewer or drain for the purpose of preventing damage to property or to abate a nuisance, and it shall become impracticable to proceed immediately to the construction of the same in accordance with any plan already adopted, on the approval of the board of estimate and apportionment, the president of the borough within which such necessity arises shall have power to construct a temporary sewer or drain in such manner as to avoid such damage or to abate such nuisance, and the cost of such temporary sewer or drain shall be assessed upon the property draining into the same and benefited thereby. And such assessments shall be enforced, levied and collected in the manner provided in chapter seventeen of this act.

Permits for construction of private sewers; procedure; becomes property of city when paid for by, etc.

Sec. 395. A permit for the construction of sewers in the streets of said city by private property owners shall only be granted in either of the following cases:

1. Upon the parties proposing to construct such sewer first filing with the president of the borough where said sewer is to be constructed plans and specifications of such proposed sewer, conforming to the general plan for the construction of public sewers in said city, and a duplicate copy of the contract for the construction of such sewer, showing the cost of the construction thereof, together with a satisfactory guarantee to said borough president for the payment of the necessary expense of said department of sewers, in the supervision of the construction of said sewer. And upon approval of such plans, specifications and contracts, by the said borough president, he shall issue his permit for the construction of such proposed sewer and shall forthwith request the board of assessors to apportion the cost of the construction of said sewer according to actual benefit between the several parcels of property abutting on each side of that part of the street through which said sewer shall be constructed. The said board of assessors shall as soon as practicable report such apportionment of such cost to the said borough president. Said borough president shall grant permits for connection with said sewer, to be constructed as aforesaid, only to such owners or occupants of the property abutting on that part of such street through which said sewer shall be constructed as shall produce to said borough president satisfactory proof of the payment by him or them to the parties who constructed and paid for such sewer, of the amount of the proportionate part of the cost of the construction of said sewer apportioned as aforesaid to the property sought to be connected with said sewer, and no permit shall be issued for, nor shall any connection be allowed with said sewer, nor with any sewer heretofore constructed by the owners of the abutting property by private contract from any abutting property until the proportionate part of the expense of the construction of such sewer shall have been paid to the parties entitled thereto by the owners of such abutting property, and satisfactory proof thereof made to said borough president. And when constructed, except for the purpose of supervision, maintenance and use by The City of New York in connection with its public sewer system, said sewer shall be deemed the private property of the persons who shall have paid for its construction until the owners of all the property abutting on that part of the street or avenue in which said sewer shall be laid, shall have paid their several shares of the cost of the construction of said sewer, but when the same shall have been fully paid for by all the owners of abutting property, then the same shall be the property of The City of New York, and deemed to have been fully dedicated to said city.

2. Or upon the parties proposing to construct such sewer first filing with the president of the borough where said sewer is to be constructed plans and specifications of such proposed sewer and a duplicate copy of the contract for the construction of such sewer, showing the estimated cost of the construction thereof, together with a satisfactory guarantee to said borough president for the payment both of the cost of the construction of such sewer and of the necessary expense of said department of sewers in the supervision of the construction of such sewer, and also a satisfactory guarantee to said borough president for the maintenance of said sewer free of all cost and expense to The City of New York. Upon approval of such plans, specifications, contracts and guarantees by the said borough president, he shall issue his permit for the construction of such proposed sewer. The said borough president may grant permits for connection with said sewer to be constructed as aforesaid to other persons or corporation, upon approval of application therefor by the board of estimate and apportionment of The City of New York, and upon such terms and conditions as said board may deem just and equitable as between the parties who shall have constructed and paid for such sewer and the parties making application for such connection. And when constructed said sewer shall be the property of The City of New York and deemed to have been fully dedicated to said city.—As amended by Laws 1906, Chapter 597.

3. Or in all districts where the resident population does not average one hundred persons per ordinary city block, upon the following conditions:

When the party, parties, or corporation proposes to construct such sewers they are first to file with the president of the borough where said sewer is to be constructed plans and specifications of such proposed sewer, with a satisfactory guarantee to said borough president for the payment of the necessary expenses to the department of sewers in the supervision of the construction of said sewer, and a petition signed by a majority of resident property owners, in feet of frontage abutting on the street or streets in which the sewer is intended to be laid, which petition shall set forth the block and lot number or numbers of the property owned by the signers thereof, as shown on the assessment map of the said borough, the maximum sum to be charged for each house connection to said sewer and the name of the person, persons or corporations intending to build the sewer. Upon the filing of the necessary papers and the guarantee above set forth, the borough president upon his approval thereof, if in his judgment the charges provided in said petition for each lot are considered reasonable, may issue his permit for the construction and connection of such proposod sewer. Said borough president shall grant permits

for connection with said sewer, to be constructed as aforesaid, only to such owners or occupants of the property abutting on that part of such street or streets through which said sewer shall be constructed as shall produce to said borough president satisfactory proof of the payment by him or them, to the party, or parties, or corporation who constructed and paid for said sewer of the amount to be charged for each house connection or connections as set forth in the petition so filed with him. And when constructed, except for the purpose of supervisor, maintenance, and use by The City of New York in connection with its public sewer system said sewer shall be deemed the private property of the person, persons or corporation who shall have paid for its construction, until the owners of all the property abutting on that part of the street or avenue in which said sewer shall be laid shall have paid for each twenty feet or fraction thereof fronting on said street the sum set forth in said petition as the charges for a house connection. When the same shall have been fully paid for by all the owners of abutting property, then the same shall revert to The City of New York, and shall be deemed to have been fully dedicated to said city. In construing this section sewers twenty-four inches or less in diameter shall be deemed to be tributary sewers, and all sewers exceeding twenty-four inches in diameter shall be deemed trunk sewers.

The provision of this section shall apply to all sewers heretofore constructed by private persons or corporations which shall conform thereto. For sewers already constructed, the conditions of which herewith imposed will have been complied with, the borough president shall issue in lieu of a permit for construction, his certificate of acceptance thereof.—Amended by Laws 1912, Chapter 433.

Id.; power to acquire lands for sewers.

Sec. 396. The City of New York is authorized to acquire title for the use of the public to all or any of the lands and premises required for sewers, or to easements therein for that purpose, whether the same be above or below high water mark or under water. The board of estimate and apportionment, at the request of the president of the borough where such lands are located, is authorized to direct the same to be done. It shall be the duty of the corporation counsel, when requested in writing by the board of estimate and apportionment, immediately to institute a proceeding to acquire title for the use of the public to lands and premises or easements therein, required for the building of sewers or drains, in the same manner that is provided by this act for the acquisition of lands for the purpose of opening streets. The expenses incurred in the acquisition of such lands and premises, with the buildings and improvements thereon, so far as the same shall be taken in such a proceeding, shall be assessed in accordance with the provisions of this act relating to the opening of streets upon all the property deemed by the commissioners of estimate and assessment appointed in such proceeding to be benefited by the acquisition of such lands for such purpose, and upon the owners thereof or persons interested therein.

Proposals and contracts for sewerage work.

Sec. 397. The president of each borough, upon the completion of the plan of sewerage of any district within the borough of which he is president, upon the filing of copies thereof, or as soon thereafter as may be deemed convenient and necessary, shall cause printed specifications to be made in accordance with said plan of the work proposed to be done in said district, and shall thereupon invite proposals in the manner now required by law, and shall contract for the whole or any part of the work in said district.

Borough president authorized to purchase supplies.

Sec. 398. In order to provide for the more effectual and economical construction of sewers, the president of any borough may contract in pursuance of law for such materials used in the construction of sewers within the borough of which he is president and in such quantities as he may deem proper; and it shall be the duty of the comptroller out of the appropriate fund or from the proceeds of assessment bonds authorized to be issued, upon the requisition of said borough president to pay for such materials, and the expenses for engineers, surveyors, inspectors or other persons employed by authority of said borough president in the construction of sewers.

Penalty for injury to sewers.

Sec. 399. All provisions of law creating civil and criminal liabilities from wrongs and injuries done to the waterworks of The City of New York, and providing remedies for the redress thereof, and the prosecution and punishment of persons committing the same, shall apply in like manner and extent to wrongs and injuries done in sewers in the said city.

Construction of lateral sewers on behalf of private owners.

Sec. 400. Whenever a majority in amount, according to the last preceding assessment, of the owners of land comprising at least thirty acres in one body shall petition for leave to construct and connect lateral sewers in and upon the land in question the president of the borough within which said lands shall be located shall, unless the same has already been done, prepare plans and specifications of such proposed sewers conforming to the general plan for the construction of public sewers in said city. A copy of said plans and specifications shall be filed in the office of the said borough president. The president of said borough may require a guaranty satisfactory to himself for the payment of the necessary expense of the preparation of such plans and specifications. Upon the approval of such plans and specifications by the said borough president, he shall, at the request of the petitioners, cause bids to be advertised according to law for the building of any portion of said sewers to be named by said petitioners, but not less than ten thousand dollars in amount (or one mile in length). Upon the opening of said bids the said borough president may award the said contract, as provided by law, but conditioned upon the deposit of the amount thereof by or on behalf of the petitioners as hereinafter provided. Thereupon the said borough president shall notify in writing said petitioners and the comptroller of such award and the amount that will be required thereunder to construct and build the said sewers. Within thirty days thereafter the said petitioners shall pay or cause to be paid to the comptroller of The City of New York a sum equal to the amount necessary to construct and build the said sewers covered by said contract. If the petitioners shall not pay such money to the comptroller within the time aforesaid, then all proceedings hereunder shall be null and void, and after deducting from the money already deposited by or on behalf of the petitioners, or secured by them to be paid, the amount of all expenses in connection with said proposed sewers, the comptroller shall return the balance of said money, if any, to the petitioners or their assigns. If the petitioners shall deposit the money for the purpose of carrying out said contract, as above provided, the said borough president shall duly award said contract to the bidder entitled thereto, and shall proceed to the construction and completion of said sewers. When the said sewers shall have been completed, the said borough president shall deliver to and file with the comptroller and also with the board of assessors of said city a certificate setting forth the amount of the entire cost of such portion of said sewers, including the interest accrued on said deposit to the date of said certificate, together with a map and statement showing the location and general character of the sewer. Thereupon said board of assessors shall apportion and assess the cost of said sewers and the other expenses arising under this act upon the lands and premises affected thereby in proportion to the amount of benefit derived by each of said lots without regard to the assessed valuation thereof, as in their judgment shall be just, and shall prepare a list showing the separate parcels so benefited, and the amounts so assessed upon the same respectively, and thereupon the same proceedings shall be had for confirmation of said assessment and apportionment, as is provided in this charter, and said assessment and apportionment shall include interest to the date of such confirmation. The confirmation of said assessment and apportionment shall be final and conclusive upon all owners of land and all persons affected thereby. The board of assessors shall thereupon divide the amount proportioned and assessed upon each parcel of land affected thereby into twenty equal annual parts or installments together with interest upon each installment at the rae of six per centum per annum from the date of such confirmation of the apportionment and assessment to the first day of December in each said twenty years successively, and shall duly enter their said apportionment and assessment, with interest as aforesaid, and in said twenty yearly installments, in books which they shall properly certify. Thereupon said board shall deliver to and file in the offices of the comptroller and of the collector of assessments and arrears, respectively, one copy of said books of apportionment and assessment. On the first day of September in each of said twenty years, respectively, the said assessment for said year shall be and become a lien upon the lands or parcels of land affected thereby, and the said filing in his office of the said apportionment and assessment shall be to the collector of assessments and arrears a full and proper warrant for collecting the installments so levied, as they respectively become due in each year. The said installments so levied shall in each case be due and payable on the first day of December in each year, and according to said apportionment and assessment, and shall be collected in the same manner and subject to the same rebate and default as is provided by law in the case of assessments in the said city affecting the lands in question, and all the provisions of law applicable to the sale of lands for the non-payment of assessments in the said city affecting the lands in question shall apply to the said assessments provided for herein. Each one of the said several annual installments levied, as aforesaid in each year shall notwithstanding any other provisions of this charter, be a lien upon the lands or parcels of land affected thereby only from the time the same shall be respectively levied. The owner of any parcel of land so assessed may at any time after the first installment shall have become due and payable, pay to the comptroller of The City of New York all the installments not levied of the sum made chargeable on said land, as ascertained by the board of assessors as provided for in this section, with the proper deduction or rebate for any interest for any period subsequent to the date of said payment and included in said unpaid installments respectively upon said books. Thereupon the said land shall be discharged from all further liability on account of such assessments. For the purpose of making such payments, such owner shall present to the comptroller the certificate of the collector of assessments and arrears showing the amount of the said installments not levied and paid, and upon receiving such payment the comptroller shall certify the same to the collector of assessments and arrears, who shall thereupon cancel the assessments so paid. The collector of assess-

ments and arrears shall cause to be printed on all bills made out in his office for installments of said assessments a reference to this section and a notification that the remaining installments may be paid and canceled in the manner herein provided. Whenever the petitioners or their assigns or nominees shall have paid, or shall have caused to be paid, to the comptroller the sum of money required to construct and build said sewers or any portion thereof, as specified in the said contract or contracts, they shall be entitled to receive the moneys and all interest thereon to be assessed and collected under this act, and all such moneys and interest so collected upon said assessment shall forthwith be paid over to the said petitioners, or their nominees or assigns. Whenever the said money shall have been so paid by said petitioners, or their nominees or assigns, the comptroller shall execute to the person or corporation so paying said money a certificate in writing stating that said money has been so paid, and that the person or corporation holding said certificate is entitled to receive the money so assessed together with interest thereon at the rate of six per centum per annum, and that the city will pay over from time to time said moneys and interest as they shall be received and collected under this section. The petitioners, or their assigns, may from time to time designate various portions of said sewers, not less than the amount above specified, to be built and completed as herein provided, and thereupon the same proceedings as above provided shall be taken for the building and completing of the said sewers so successively designated, and for assessing and collecting the amounts expended for constructing said sewers. In constructing this section, sewers twenty-four inches or less in diameter shall be deemed to be lateral sewers, and all sewers exceeding twenty-four inches in diameter shall be deemed to be trunk sewers. If, in any case, the moneys deposited with the comptroller shall exceed the cost of building and completing the sewers for which the said moneys were deposited, the comptroller shall, upon ascertaining this fact, pay over such surplus to the petitioners or their assigns or nominees. If the moneys so deposited shall not be found sufficient to complete the sewers for which the same were deposited, then the comptroller may demand of the petitioners or their assigns or nominees the balance required to build and complete said sewers, and in case of their failure to pay the same, the comptroller may retain any such balance out of the first moneys coming into his hands from assessments upon the property upon which the said sewers were constructed. The petitioners shall have the right to appoint in writing an attorney or nominee to represent them in relation to said sewers before any of the authorities of the city, and to receive any moneys payable hereunder or do any act or receive any notice required hereunder. Such appointment of a nominee or attorney shall be irrevocable without the consent of said nominee or attorney. Nothing herein contained shall in any way prevent The City of New York from taking such action as it may deem proper to build lateral sewers upon or do any other act in relation to any of the property mentioned in said petition. This section shall apply to the boroughs of Brooklyn and Queens in The City of New York.

Construction of sewage disposal works or plants and appurtenances, and providing for the payment of the cost thereof by local assessment.

Sec. 401. Wherever in this act known as "the Greater New York Charter," or in any other act or acts applicable to The City of New York, or the mayor, aldermen and commonalty of the city of New York, the words "sewer" or "sewers" or the words "construction, repairing and cleansing of sewers and underground drain," or the words "map or plan for the proper sewerage and drainage," or the words "the construction and care and maintenance of the sewer system and drainages," or the words "local improvement" shall occur, the said words shall be construed to include and to mean sewage disposal works or plants, and the necessary appurtenances thereto. It is the intent and meaning of this section that sewage disposal works or plants and the necessary appurtenances thereto, shall be construed as being a part and parcel of a sewer, and the cost of constructing and erecting the same shall be paid for by local assessments upon the property deemed to be benefited thereby in the same way as the cost of constructing a sewer and appurtenances is paid for in The City of New York, and the cost of repairing, cleansing and maintaining such sewage disposal works or plants and appurtenances, shall be paid for in the same way as the cost of repairing, cleansing and maintaining sewers and underground drains are paid for. Power and authority to construct and erect and maintain sewage disposal works or plants and the necessary appurtenances thereto in The City of New York is hereby granted to the same authorities as the power to construct sewers and appurtenances is granted, such construction and erection and maintenance to be done under and pursuant to and in compliance with the same laws and regulations as apply to the construction and maintenance of sewers and appurtenances thereto.

Court rooms and supplies for Supreme Court.

Sec. 402. The president of a borough must supply the supreme court, appointed to be held within his borough, and the justices thereof, with the proper and convenient rooms and furniture, together with heat, lights, books, stationery and other supplies suitable and sufficient for the transaction of its business; and, upon an order of the court therefor, with suitable and proper food, lodging and expenses for juries kept together either during the progress of a trial or after their retirement for deliberation. If he shall neglect so to do the court, or any justice thereof, may order the sheriff to make the requisite provision.—Added by Laws of 1911, Chapter 854.

TITLE 2.

BUREAU OF BUILDINGS.

Appointment of superintendents; qualifications; jurisdiction, salaries.

Sec. 405. There shall be in the office of each borough president a bureau to be known as "the bureau of buildings for the borough of ———." The presidents of the boroughs of Manhattan, The Bronx and Brooklyn shall, each within the borough for which he is elected, appoint a superintendent of buildings for the borough. The presidents of the boroughs of Queens and Richmond may, whenever appropriation is made therefor by the board of aldermen upon the recommendation of the board of estimate and apportionment, each within the borough for which he is elected, in like manner appoint a superintendent of buildings for the borough. Every superintendent of buildings so appointed shall be a competent architect or builder of at least ten years experience. The president of a borough may, whenever in his judgment the public interests shall require, remove the superintendent of buildings of his borough. Every such superintendent shall hold office until his successor is appointed and has qualified. The salaries of the superintendents of buildings in the boroughs of Manhattan, The Bronx and Brooklyn shall, unless otherwise fixed as provided in this act, be five thousand dollars a year. The salary of the superintendent of buildings in the borough of Queens (if that office is created) shall, unless otherwise fixed as provided in this act, be three thousand five hundred dollars a year. The salary of the superintendent of buildings in the borough of Richmond (if that office is created) shall, unless otherwise fixed as provided in this act, be two thousand five hundred dollars a year. In case no superintendent of buildings is appointed by either the president of the borough of Queens or the president of the borough of Richmond, then the presidents of the said boroughs respectively shall each, within the borough for which he has been elected, exercise all the powers and discharge all the duties of a superintendent of buildings for that borough. The words "superintendent of buildings" wherever used in the subsequent sections of this chapter shall be taken and held to mean a superintendent of buildings for any borough lawfully appointed by the president thereof, under the preceding provisions of this section, or, in the case of the boroughs of Queens and Richmond, the borough president in case he shall not have appointed a superintendent of buildings.

Duties of superintendents; appointment and removal of subordinates.

Sec. 406. Each superintendent of buildings except as otherwise provided in this act, shall, within the borough in which he has jurisdiction, have exclusive jurisdiction and charge, subject to and in accordance with the general rules and regulations to be established by the board of standards and appeals, of the construction, alteration, structural changes in and removal of buildings and other structures erected or to be erected within such borough, including sidewalk elevators, vaults, the coverings thereof and entrances thereto. But, such jurisdiction shall not extend to water front property owned by the city of New York, bridges, tunnels, subways and structures appurtenant thereto nor be held to affect the powers or duties of the tenement house department. Each superintendent of buildings shall have exclusive jurisdiction to require that the construction or alteration of all buildings hereafter constructed or altered shall conform to such provisions of the labor law and other laws as may be applicable thereto and shall also have power to enforce in his borough the laws relating to the protection of persons employed in the construction, alteration, or removal of buildings or structures, and to enforce the provisions of such ordinances as are or may be established by the board of aldermen, relating to the construction, alteration and removal of buildings or the structures erected or to be erected within such borough. Each superintendent of buildings within the limits of his appropriation shall have the power to appoint subordinate officers, as follows: such chief inspectors of buildings, and such inspectors of buildings, engineers, clerks, messengers, assistants and other subordinates as in his judgment may be necessary and proper to carry out and enforce such rules and regulations and ordinances and the provisions of said laws and of this chapter within the borough under his jurisdiction. The chief inspector of buildings shall be a competent architect, engineer or builder of at least ten years' practice. The inspectors shall be competent men, either architects, engineers, masons, carpenters, plumbers, plasterers or ironworkers, who shall have served at least five years as such. It shall not be lawful for any officer or employee in the building bureau of any borough to be engaged in conducting or carrying on business as an architect, civil engineer, structural engineer, sanitary engineer, carpenter, plumber, iron worker, mason or builder, or any other profession or business concerned with the construction, alteration or equipment of buildings, while holding office in the bureau, or to be engaged in the manufacture or sale of automatic sprinklers, fire extinguishing apparatus, fire protection devices, fire prevention devices, or devices relating to means or adequacy of exit from buildings or of articles entering into the construction or alteration of buildings, or act as agent for any person engaged in the manufacture or sale of such articles, or own stock in any corporation engaged in the manufacture or sale of such articles. Each superintendent of building shall have power to designate in writing one of the inspectors so appointed by him to act on any survey authorized by law, or to perform such other duties as the said superintendent may direct. Each superintendent of buildings may designate a chief inspector of buildings, who, during the absence or inability of such superintendent shall possess all the powers and perform all his duties so far as they relate to buildings. Each superintendent of buildings shall have power to punish any employee, for neglect of duty, or omission to properly perform his duty, for violation of rules, or neglect or disobedience of orders, or incapacity, or absence without leave, by forfeiting and withholding pay for a specified time, or by suspension from duty with or without pay not exceeding thirty days, or subject to the requirements of the civil service law remove or dismiss any inspector of

buildings or other subordinate appointed by him or by any predecessor in office from the service of the bureau at any time in his discretion. Any officer or employee of or in the bureau of buildings of any borough, or police officer thereo detailed, who shall ask, solicit or accept or receive any money or other compensation for enforcing or for modifying or changing any order or requirement of said bureau shall be guilty of a felony.—As amended by Laws of 1916, Chap. 503.

Continuation and repeal of existing laws; building code.

(See Code of Ordinances Library.)

Sec. 407. The board of aldermen is authorized by ordinance to regulate and restrict the height of buildings to be hereafter erected in the city. When any ordinance on that subject is introduced the board of aldermen shall provide for public hearings in reference thereto, before it or before appropriate committees, and no ordinance restricting the height of buildings shall be passed unless it is approved beforehand by the board of estimate and apportionment by a resolution or vote of a majority of the members of such board entered on its minutes or record, and unless it shall be passed by a majority of all the members elected to the board of aldermen, the vote being taken by aves and noes. The building code which shall be in force in The City of New York on the first day of January, 1902, and all then existing provisions of law fixing the penalties for violation of said code, and all then existing laws affecting or relating to the construction, alteration or removal of buildings or other structures within The City of New York are hereby declared to be binding and in force in The City of New York, and shall continue to be so binding and in force except as the same may from time to time be revised, altered, amended or repealed as herein provided. No right or remedy of any character shall be lost or impaired or affected by reason of this chapter. This chapter shall not affect or impair any act done or right accruing, accrued or acquired or penalty, forfeiture or punishment incurred prior to the time when this act takes effect or by virtue of any law repealed or modified by this chapter, but the same may be asserted, enforced, prosecuted or inflicted as fully and to the same extent as if this act had not been passed or said law had not been repealed as modified. The board of aldermen shall have power from time to time to amend said building code and said laws to provide therein for all matters concerning, affecting or relating to the construction, alteration or removal of buildings or structures erected or to be erected in The City of New York, and for the purpose of preparing or amending such code to appoint and employ a commission of experts. The said building code which is in force May first, 1904, shall constitute a chapter of the code of ordinances of The City of New York.—As amended by Laws 1904, Chapter 602 and Laws, 1904, Chapter 628.

Note: Chapter 602 was accepted by the City and became a law, May 4, 1904. Chapter 628 was also accepted by the City and became a law May 6, 1904· section 407, as printed above is the section found in Chanter 628. See on this subject the case of Matter of Rochester Water Commissioners, 66, N. Y. 413.

General provisions relative to existing building laws.

Sec. 408. The superintendent of buildings appointed by the president of the borough of Manhattan shall within such borough in addition to the powers, rights and duties expressly conferred or imposed upon him by this act, possess and exercise all the powers, rights and duties, and shall be subject to all the obligations heretofore vested in, conferred upon or required of the board of builldings of The City of New York and of the commissioner of buildings appointed for the boroughs of Manhattan and The Bronx so far as they relate to the borough of Manhattan and except in so far as the same are inconsistent with or are modified by this act. The superintendent of buildings appointed by the president of the borough of The Bronx shall within such borough, in addition to the powers, rights and duties expressly conferred upon him by this act, and except as hereinafter expressly provided, possess and exercise all the powers, rights and duties and shall be subject to all the obligations heretofore vested in, conferred upon or required of the board of buildings of The City of New York and of the commissioner of buildings appointed for the boroughs of Manhattan and The Bronx, so far as they relate to the borough of The Bronx, and except in so far as the same are inconsistent with or are modified by this act. The superintendent of buildings appointed by the president of the borough of Brooklyn shall, within such borough, in addition to the powers, rights and duties expressly conferred or imposed upon him by this act, possess and exercise all the powers, rights and duties, and shall be subject to all the obligations heretofore vested in, conferred upon or required of the board of buildings of The City of New York and of the commissioner of buildings appointed for the borough of Brooklyn so far as they relate to the borough of Brooklyn, and except in so far as the same are inconsistent with or are modified by this act. The president of the borough of Queens, in case he shall not appoint a superintendent of buildings, and if he shall appoint such a superintendent, then such superintendent shall within such borough in addition to the powers, rights and duties expressly conferred or imposed upon him by this act, possess and exercise all the powers, rights and duties, and shall be subject to all the obligations heretofore vested in, conferred upon or required of the board of buildings of The City of New York and of the commissioner of buildings appointed for the boroughs of Queens and Richmond, so far as they relate to the borough of Queens, and except in so far as the same are inconsistent with or are modified by this act. The president of the borough of Richmond, in case he shall not appoint a superintendent of buildings, and if he shall appoint such a superintendent, then such superintendent shall within such borough, in addition to the powers, rights and duties expressly conferred or imposed upon him by this act, possess and exercise all the powers, rights and duties, and shall be subject to all the obligations heretofore vested in, conferred upon or required of the board of buildings of The City of New York and of the commissioner of buildings appointed for the boroughs of Queens and Richmond, so far as they relate to the borough of Richmond, and except in so far as the same are inconsistent with or are modified by this act.

Rules and regulations.

Sec. 409. Each president of a borough shall have power to establish administrative rules and regulations for the conduct of the business and the regulation of the employees of the bureau of buildings of his borough. The superintendent of buildings of each borough shall enforce such administrative rules and regulations and administer the building bureau of this borough.—As amended by Laws of 1913, Chap. 567.

Sec. 410. Repealed by Act of 1916.

Determination of questions.

Sec. 411. Each superintendent of buildings shall have power and it shall be his duty, subject to the provisions of law and the ordinances of the board of aldermen, and the general rules and regulations established according to law to pass upon any question relative to the mode, manner or construction or materials to be used in the erection or alteration of any building or other structure erected or to be erected within the borough under his jurisdiction which is included within the provisions of this chapter, or of any existing law applicable to such borough relating to the construction, alteration or removal of buildings or other structures, and to require that such mode, manner of construction or materials shall conform to the true intent and meaning of the several provisions of this chapter and of the laws and ordinances aforesaid, and the rules and regulations applicable thereto, but, where there are practical difficulties in the way of carrying out the strict letter of the law, the spirit of the law shall be observed and public safety secured and substantial justice done, provided that variations from the strict letter of the law or the building code shall be approved by the borough president. But a superintendent of buildings shall not have power to vary from or proceed contrary to the labor law, except as it may be modified by the board of standards and appeals as provided in this act, or contrary to a rule or decision of the board of standards and appeals or board of appeals, or contrary to an order of the fire commissioner, except as such an order may be modified by the board of appeals, nor of the tenement house commissioner. Whenever a superintendent of buildings to whom such question has been submitted shall reject or refuse to approve the mode, manner of construction or materials proposed to be followed or used in the erection or alteration of any building or structure, or when it is claimed that the rules and regulations of the board of standards and appeals or the provisions of law or of said ordinances do not apply, or that an equally good and more desirable form of construction can be employed in any specific case, the owner of such building or structure, or his duly authorized agent, may appeal from the decision of such superintendent to the board of appeals.—As amended by Laws of 1916, Chap. 503.

Certificate of occupancy.

Sec. 411-a. 1. New buildings. No building hereafter erected shall be occupied or used, in whole or in part, for any purpose whatever until a certificate of occupancy therefor in such form as may be authorized by the building code and the board of standards and appeals, certifying that such building conforms to the requirements of all laws, ordinances and rules and regulations of the board of standards and appeals applicable thereto shall have been issued by the superintendent of buildings of the borough in which such building is situated.

2. Buildings hereafter altered. No building hereafter altered or converted from one class to another class shall be occupied or used in whole or in part for any purpose whatever, in case such building was vacant during the progress of the work, or in case such alteration did not necessitate the vacation of the building during the progress of the work the occupancy or use of any such building shall not continue more than thirty days after the completion of such alteration, unless a certificate of occupancy shall have been issued by the superintendent of buildings of the borough in which such building is situated in such form as may be authorized by the building code.

3. If there be in any building hereafter erected, altered or converted from one class to another class any auxiliary fire extinguishing appliances, stand pipes or other appliances required or intended to be used for extinguishing fires, the certificate of occupancy issued for any such building as provided in subdivision one or two of this section shall be not deemed complete, unless the installation of the appliances mentioned in this subdivision has been inspected by the fire department, and approved in writing, either in a separate certificate or by endorsement upon the certificate of occupancy.

4. A certificate of occupancy issued as provided in subdivisions one and two of this section shall not be binding on the fire commissioner with respect to any building which shall be or be intended to be used for the storage or use of chemicals, combustibles or explosives or for any trade, purpose or occupation which the board of standards and appeals may classify by general rule as being hazardous.

5. Except as provided in subdivision four, every certificate of occupancy issued, as provided in subdivision one or subdivision two of this section, and approved, if required to be approved under subdivision three shall until set aside or vacated by the board of appeals, be and remain binding and conclusive upon all officers, departments, commissions, boards and bureaus of the city, except upon the tenement house department, and shall be binding and conclusive upon the department of labor of the state of New York as to all matters therein set forth, and no order, direction, or requirement at variance therewith shall be made or issued by any officer, department, board or bureau of the said city, except the tenement house department, nor by the department of labor of the state of New York, or any commission, board, officer or member thereof.

6. Temporary certificates. The superintendent of buildings may on request of the owner or his authorized representative, issue a temporary certificate of occupancy for any part of a building or structure, provided that such temporary occupancy or use would not in any way jeopardize life or property. But no such temporary certificate shall be issued in the case of a tenement house unless and until a certificate is issued by the tenement house commissioner as provided in section thirteen hundred and forty-four.

The word class as used in this section refers to the classification of buildings in the building code.—As added by Laws of 1916, Chap. 503.

Accounts; annual estimates; expenditures.

Sec. 412. Each superintendent of build-

ings shall keep accurate and detailed accounts, in a form approved by the comptroller of all moneys received and expended by him, the sources from which they are received and the purposes for which they are expended.

Record of applications.

Sec. 413. Each superintendent of buildings shall keep a record of all applications presented to him concerning, affecting or relating to the construction, alteration or removal of buildings or other structures. Such record shall include the date of the filing of each such application; the name of the applicant; the name and address of the owner of the land on which the structure mentioned in such application is situated; the names and addresses of the architect and builder employed thereon; a designation of the premises by the street number, or otherwise, sufficient to identify the same; a statement of the nature and proposed use of such structure; and a brief statement of the nature of the application, together with a memorandum of the decision of the superintendent upon such application and the date of the rendition of such decision. The books containing such records are hereby declared to be the public records, and shall be open to inspection at all reasonable times.

Books, plans, etc., to be delivered to borough presidents.

Sec. 414. Each commissioner of buildings as constituted by chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven is hereby required and directed to turn over and deliver on January first, nineteen hundred and two, to the president of each borough, so far as the same shall apply to the borough of which he is president, all plans, records, books, and papers relating to buildings filed with or deposited with said commissioner or turned over to him by his predecessor, and all official records and papers of every kind in his possession. In case any doubt shall arise as to the proper disposition of said plans, books, papers and records, the presidents of the various boroughs shall meet together and devise a plan for such distribution, which plan when approved by the mayor shall be followed by the said presidents and said commissioners in their distribution of all such plans, books, records and papers relating to buildings.

Plumbers to register.

Sec. 415. (a)—Once in each year every employing or master plumber carrying on his trade, business or calling in The City of New York shall register his name and address at the office of the bureau of buildings in the borough of the said city in which he performs work, under such rules and regulations as the said bureau prescribes, and thereupon he shall be entitled to receive a certificate of such registration from said bureau, if, at the time of applying for such registration he holds a certificate from the examining board of plumbers of said city and is a citizen of the United States. Each person obtaining such certificate from the examining board of plumbers after the date fixed by the bureau of buildings for registration, may, however, register with the bureau of buildings within thirty days after the issuance of such certificate. Such registration may be canceled by the superintendent of buildings for a violation of the rules and regulations for the plumbing or drainage of such city duly adopted, or in force pursuant to the provisions of this section, or whenever the person so registered ceases to hold a certificate from the examining board of plumbers or to be actually engaged in the business of master or employing plumber, after a hearing had before said superintendent, upon prior notice of not less than ten days.

(b) The plumbing and drainage of all buildings both public and private in The City of New York, shall conform to the rules and regulations lawfully adopted by the superintendents of buildings of the various boroughs. Said rules and regulations hereafter adopted, and any changes thereof, shall be published in the City Record on eight successive Mondays before they shall become operative. Suitable drawings and descriptions of plumbing and drainage shall in all cases be submitted and placed on file in the bureau of buildings of the borough in which the work is to be performed, and the same shall not be commenced or proceeded with until the said drawings and descriptions shall have been so filed and approved by the superintendent of buildings. Repairs and alterations of plumbing or drainage may be made without the filing and approval of drawings and descriptions in the bureau of buildings, where such repairs and alterations do not include the use of new vertical or horizontal lines of soil, waste, vent or leader pipes. Notice of such repairs or alterations, however, shall be given to the said bureau before they are commenced, in accordance with the rules and regulations of said bureau. The superintendents of buildings shall have power to require sworn statements from persons registering under the provisions of this act before granting any permit to proceed with the work.

(c) The bureau of buildings in each borough is hereby charged with the enforcement of the provisions of this section and the next succeeding section, and in addition to such officers or employees as are now provided by law, the superintendent of buildings may appoint inspectors of plumbing, when appropriation for the salaries of the same shall have been duly made. Inspectors of plumbing shall, under the direction of the superintendents of buildings, in addition to their other duties, ascertain whether persons performing plumbing work in The City of New York, are registered, as in this section provided, and shall file written reports in the bureau as to their investigations. [Added by Laws of 1913, chap. 754.]

Co-partnership registry.

Sec. 416. (a) It shall not be lawful for any person or co-partnership to engage in, perform, or carry on the trade, business or calling of employing a master plumber in The City of New York unless such person or each member of such co-partnership shall have been registered as provided in the foregoing section.

(b) It shall be unlawful for any person or co-partnership in The City of New York, unless said person or co-partnership shall have complied with the requirements of the preceding paragraph to hold him or themselves out to the public as a master or employing plumber by the use of the word "plumber" or "plumbing" or words of similar import or meaning on signs, cards, stationery or in any other manner whatsoever.

(c) No person registered as provided in the preceding section, or who holds a certificate from the examining board of plumbers, shall, for the benefit of any person engaged in the plumbing business who is not so registered, apply for, receive or make use of, any permit granted to him by reason of being so registered, or holding such certificate from the examining board of plumbers.

(d) Any person violating any of the provisions of this section or the preceding section shall be fined for such offense in a sum not exceeding two hundred and fifty dollars or by imprisonment for a term not exceeding three months, or by both, and in addition shall forfeit any certificate of the examining board if plumbers or any certificate of registration he may hold at the time of such conviction.

(e) Nothing in this section or the preceding section shall abrogate or impair any of the powers of the health department, the tenement house department, the board of aldermen, and the board of estimate and apportionment of the city of New York with respect to the regulation of plumbing and drainage in the said city. [Added by Laws of 1913, chap. 754.]

CHAPTER X.

CONTRACTS AND LOCAL IMPROVEMENTS.

Title 1. General provisions relating to contracts.
Title 2. Local boards.
Title 3. Local improvements.
Title 4. Maps and plans.

TITLE I.

GENERAL PROVISIONS RELATING TO CONTRACTS.

Board of aldermen; restriction on powers of.

Sec. 417. It shall not be lawful for the board of aldermen to enter directly into contract for any public work or improvement whatsoever.

Board of aldermen; further restrictions.

Sec. 418. It shall not be lawful for the board of aldermen to release any contractor with the city or with any of the departments, boards, bureaus or officers thereof, from any fine or penalty incurred under his contract, save upon the unanimous recommendation of the board of estimate and apportionment. And it shall not be lawful for the board of aldermen to extend the time for the performance of any such contract save upon the unanimous recommendation of the board of estimate and apportionment.

Contracts for work or supplies.

Sec. 419. All contracts to be made or let for work to be done or supplies to be furnished, except as in this act otherwise provided, and all sales of personal property in the custody of the several borough presidents, departments or bureaus shall be made by the appropriate borough presidents or heads of departments under such regulations as shall be established by ordinance or resolution of the board of aldermen. Whenever any work is necessary to be done to complete or perfect a particular job, or any supply is needful for any particular purpose, which work and job is to be undertaken or supply furnished for The City of New York, and the several parts of the said work or supplies shall, together, involve the expenditure of more than one thousand dollars, the same shall be by contract, under such regulations concerning it as shall be established by ordinance or resolution of the board of aldermen, excepting such works now in progress as are authorized by law or ordinance to be done otherwise than by contract, and unless otherwise ordered by a vote of three-fourths of the members elected to the board of aldermen; and all contracts shall be entered into by the appropriate borough president, and heads of departments, and shall, except as herein otherwise provided, be founded on sealed bids or proposals, made in compliance with public notices, duly advertised in the City Record, and the corporation newspapers, and said notice to be published at least ten days; if a borough president or the head of a department shall not deem it for the interest of the city to reject all bids, he shall, without the consent or approval of any other department or officer of the city government, award the contract to the lowest bidder, unless the board of estimate and apportionment by

a three-quarter vote of the whole board, shall determine that it is for the public interest that a bid other than the lowest should be accepted; the terms of such contract shall be settled by the corporation counsel as an act of preliminary specification to the bid or proposal.

In any contract for work or supplies made hereunder, there may be inserted, in the discretion of the borough president or head of department making such contract, a provision that additional work may be done or supplies furnished for the purpose of completing such contract, at an expense not exceeding five per centum of the amount of such contract, if such additional work or supplies shall be ordered by such borough president or head of department.

The bidder whose bid is accepted shall give security for the faithful performance of his contract in the manner prescribed and required by ordinance; and the adequacy and sufficiency of this security shall, in addition to the justification and acknowledgment, be approved by the comptroller. All bids or proposals shall be publicly opened by the officer or officers advertising for the same, and in the presence of the comptroller, but the opening of the bids shall not be postponed if the comptroller shall, after due notice, fail to attend; if the bidder whose bid has been accepted shall neglect or refuse to accept the contract within five days after written notice that the same has been awarded to his bid or proposal, or if he accepts but does not execute the contract and give the proper security, it shall be readvertised and relet as above provided. In case any work shall be abandoned by any contractor, it shall be readvertised and relet by the appropriate borough president or the head of the appropriate department in the manner in this section provided. No bid shall be accepted from, or contract awarded to, any person who is in arrears to The City of New York upon debt or contract, or who is a defaulter, as surety or otherwise, upon any obligation to the city. Every contract when made and entered into, as before provided for, shall be executed in duplicate, and shall be filed in the department of finance; together with a copy of the resolution or ordinance of the board of aldermen and the local board, and together with the approval of the board of estimate and apportionment wherever the same is required by the provisions of this act, or copies of both, as the case may be, authorizing said work; such copy shall be so filed within five days after the contract shall have been duly executed by the contractor. All warrants upon vouchers duly audited and approved, for payment of amounts due under contracts, shall, by number or other description, refer to the voucher, the fund and the contract upon which the payment is to be made; and all checks drawn by the chamberlain on warrants duly approved and executed pursuant to law, as payments on contracts, may be mailed to the contractor at the address furnished by him, or delivered to him or his authorized representative, and when so mailed or delivered, the indorsement by the contractor upon a check attached to such a warrant, which has been paid by the bank or trust company upon which the same has been drawn, shall be considered as a receipt of the contractor for the amount of said check so paid on account of said contract.

No expenditure for work or supplies involving an amount for which no contract is required shall be made, except the necessity therefor be certified to by the appropriate borough president or the head of the appropriate department, and the expenditure has been duly authorized and appropriated.—As amended by Chapter 554, Laws 1910.

Proposals to be advertised; deposit to accompany bid.

Sec. 420. Whenever proposals for furnishing supplies or doing work are invited by advertisement by any department or officer, such department or officer is authorized and directed to require, as a condition precedent to the reception or consideration of any proposal, the deposit with such department or officer of a certified check upon one of the state or national banks of the said city, drawn to the order of the comptroller, or of money or of corporate stock or certificates of indebtedness of any nature, issued by the city of New York, which the comptroller shall approve as of equal value with the security required; such checks or money or corporate stock or certificates of indebtedness to accompany the proposal, to an amount not less than three nor more than five per centum of the amount of the bond required by the department or officer for the faithful performance of the work proposed to be done or supplies to be furnished. Within ten days after the opening of bids, the comptroller shall return all the deposits made to the persons making the same, except the deposits made by the lowest three bidders; within three days after the decision as to whom the contract is to be awarded, the comptroller shall return the deposits to the remaining persons making the same, except the deposit made by the bidder whose bid has been accepted, and if the said bidder whose bid has been accepted shall refuse or neglect, within five days after due notice that the contract has been awarded, to execute the same, or to furnish the required bond, the amount of deposit made by him shall be forfeited to and retained by the said city as liquidated damages for such neglect or refusal, and shall be paid into the sinking fund of the city, but if the said bidder shall execute the contract and furnish the required bond within the time aforesaid, the amount of his deposit shall be returned to him.—As amended by Laws 1912, Chapter 528.

Certificate of completion to be filed.

Sec. 421. It shall be the duty of any borough president, or head of any department having in charge any work, within five days after the acceptance of such work, to file with the comptroller a final certificate of the completion and acceptance thereof, signed by the chief engineer or head of his department. The filing of such certificate shall be presumptive evidence that such work has been completed according to contract. It shall also be the duty of such borough president, or head of department, in the case of work to be paid for in whole or in part by assessment for benefit, when such work shall have been completed and accepted, and all the expenses thereof which may be legally assessed shall have been ascertained, to execute a certificate of the total amount of all the cost and expenses which shall have been actually incurred by The City of New York on account of such work and forward the same to the board of assessors in accordance with section nine hundred and forty-six of this act. Accompanying said certificate shall be a copy of the resolution of the board of estimate and apportionment or of the resolution or ordinance of the board of aldermen, or of the resolution of the local board or department, or copies of any or such of them as may be required, authorizing such work to be done, and also a copy of any resolution or ordinance, if any such has been passed, determining that any proportion of the cost and expense of such work shall be borne by The City of New York. The board of assessors shall, upon receiving such certificate, assess upon the property benefited, in the manner authorized by law, the amount of the certificate, or such proportions thereof, as is authorized by law. The proceedings relative to levying, confirming and collecting any such assessments shall be in accordance with the provisions of chapter seventeen of this act.

Comptroller to pay contractors.

Sec. 422. When a contract for a public improvement shall have been entered into and a certified copy thereof shall have been filed with the comptroller, in conformity with section four hundred and nineteen of this act, said comptroller is hereby authorized and directed to pay to the contractor or his assigns, from time to time as the work progresses, eighty-five per centum of the estimated value of the work actually done under said contract, until the same shall have been completed. The estimate of the value of any such work shall be signed by the surveyor and also by the chief engineer of the department having the matter in charge, and upon the final completion of any contract and filing of the final certificate of completion, the comptroller shall, within thirty days thereafter, or within thirty days after the expiration of the time within which, according to the terms of the contract, the city has to accept such work, pay to the contractor or his assigns, the balance of the amount due under said contract, provided, however, that the board of aldermen, upon the recommendation of the board of estimate and apportionment, may authorize contracts for asphalt or other pavement to be made, with a guaranty upon the part of the contractor for one or more years, with a provision for the retention of a percentage of the amount to be paid, which shall be paid within thirty days after the expiration of the guaranty, upon the filing of a certificate signed by the chief engineer of the department having the matter in charge that the terms of the contract have been complied with. The payments to be made by the comptroller pursuant to this section shall be made out of the "street improvement fund," if the cost and expense of said work are to be assessed in whole or in part upon property deemed to be benefited thereby. The amounts collected from any and all assessments for local improvement paid out of such fund, are to be paid into said fund. It shall be the duty of, and lawful for the comptroller, when thereto authorized by the *board of estimate and apportionment to create and issue such additional amounts of the corporate stock of the city of New York as shall be necessary to provide for the cost and expense of such work, or such part thereof as is to be *born and paid by the city of New York; and the proceeds of the sale of such stock shall be paid into the street improvement fund.—As amended by Laws of 1914, chap. 446.

TITLE 2.

LOCAL BOARDS.

Districts for home rule and local improvements.

Sec. 425. For the purpose of home rule and local improvements the territory of the city of New York is hereby divided into twenty-four districts of local improvements. The first district shall consist of the county of Richmond, and shall be called Staten Island; the second district shall consist of the sixtieth, sixty-first, and sixty-second aldermanic districts of the city of New York as constituted by this act, being part of the county of Queens, and shall be called Newtown; the third district shall consist of the sixty-third and sixty-fourth aldermanic districts of the city of New York, being part of the county of Queens, and shall be called Jamaica; the fourth district shall consist of the territory comprised in the thirty-sixth, thirty-seventh and thirty-eighth aldermanic districts of the city of New York as constituted by this act, being part of the county of Kings, and shall be called The Heights.

The fifth district shall consist of the territory comprised in the thirty-ninth, fortieth and forty-first aldermanic districts of the city of New York and shall be called Bedford.

The sixth district shall consist of the territory comprised in the forty-second, forty-third and forty-fourth aldermanic districts of the city of New York, and shall be called Bay Ridge.

The seventh district shall consist of the territory comprised in the forty-fifth, forty-sixth and forty-seventh aldermanic districts of the city of New York, and shall be called Prospect Heights.

The eighth district shall consist of the territory comprised in the forty-eighth, forty-ninth and fiftieth aldermanic districts of the city of New York, and shall be called Williamsburgh.

The ninth district shall consist of the territory comprised in the fifty-first, fifty-second and fifty-third aldermanic districts of the city of New York, and shall be called Flatbush.

The tenth district shall consist of the territory comprised in the fifty-fourth, fifty-fifth and fifty-sixth aldermanic districts of the city of New York, and shall be called Bushwick.

The eleventh district shall consist of the territory comprised in the fifty-seventh, fifty-eighth and fifty-ninth aldermanic districts of the city of New York, and shall be called New Lots.

The twelfth district shall consist of the territory comprised in the first, second and third aldermanic districts of the city of New York, and shall be called Greenwich.

The thirteenth district shall consist of the territory comprised in the fourth, sixth and eighth aldermanic districts of the city of New York, and shall be called Corlear's Hook.

The fourteenth district shall consist of the territory comprised in the tenth, twelfth and fourteenth aldermanic districts of the city of New York, and shall be called Kip's Bay.

The fifteenth district shall consist of the ter-

*So in original.

ritory comprised in the fifth, seventh and ninth aldermanic districts of the city of New York, and shall be called Chelsea.

The sixteenth district shall consist of the territory comprised in the sixteenth, eighteenth and twentieth aldermanic districts of the city of New York, and shall be called Hell Gate.

The seventeenth district shall consist of the territory comprised in the eleventh, twenty-first and twenty-third aldermanic districts of the city of New York, and shall be called Broadway.

The eighteenth district shall consist of the territory comprised in the twenty-second, twenty-fourth and twenty-sixth aldermanic districts of the city of New York, and shall be called Harlem.

The nineteenth district shall consist of the territory comprised in the thirteenth, twenty-fifth and twenty-seventh aldermanic districts of the city of New York, and shall be called Saint Nicholas.

The twentieth district shall consist of the territory comprised in the fifteenth, seventeenth and nineteenth aldermanic districts of the city of New York, and shall be called Washington Heights.

The twenty-first district shall consist of the territory comprised in the twenty-eighth aldermanic district of the city of New York, and shall be called Morrisania.

The twenty-second district shall consist of the territory comprised in the twenty-ninth and thirtieth aldermanic districts of the city of New York, and shall be called Chester.

The twenty-third district shall consist of the territory comprised in the thirty-first and thirty-second aldermanic districts of the city of New York, and shall be called Crotona.

The twenty-fourth district shall consist of the territory comprised in the thirty-third, thirty-fourth and thirty-fifth aldermanic districts of the city of New York, and shall be called Van Courtlandt.—As Amended by Laws of 1916, Chap. 540.

The local board; how constituted. jurisdiction.

Sec. 426. There shall be in each and ever district of local improvements a board of local improvements to he known and described as "the local hoard," to he intrusted with the powers hy this act prescribed. The jurisdiction of each local board shall be confined to the district for which it is constituted, and to those subjects or matters the costs and expenses whereof are in whole or in part a charge upon the people or property of the district or a part thereof, except so far as hy this act jurisdiction may otherwise he given over matters of local administration within such district. Each local board shall consist of the president of the borough wherein the district is situated, by virtue of his office, and of each member of the board of aldermen who represents an aldermanic district within such local improvement district, hy virtue of his office and during his term as such member. The members of the local board shall serve as such members without compensation. If any proposed local improvement specified in section four hundred aud twenty-eight of this act shall embrace the territory or affect the property of more than one district of local improvements, the members of the local boards of all the districts so affected shall, for all proceedings in the matter of such improvement, constitute the local hoard for the purposes thereof, and its proceedings shall in all respects conform to the provisions of this act shall regulate the proceedings of any other local hoard.

Id.; procedure.

Sec. 427. The action of a local board shall be hy resolution, subject to the procedure governing resolutions passed by the board of aldermen and conformably thereto save that they need not be submitted to the mayor of The City of New York for his approval except as provided in the next section. Every resolution of a local board shall, hefore it takes effect, be approved hy the horough president.

Id.; powers.

Sec. 428. A local hoard, subject to the restrictions provided hy this act, shall have power in all cases where the eost of the improvement is to be met in whole or in part by assessments upon the property benefited, to initiate proceedings for the following purposes: to construct tunnels and bridges lying wholly within the borough; to acquire title to land for parks and squares, streets, sewers, tunnels and bridges, and approaches to bridges and tunnels; to open, close, extend, widen, grade, pave, regrade, repave and repair the streets, avenues and public places, and to construct sewers within the district; to flag or reflag, curb or recurb the sidewalks, and to relay crosswalks on such streets and avenues; to set or to reset street lamps; and to provide signs designating the names of the streets. All resolutions affecting more than one local improvement district or the borough generally, shall be adopted only at a joint meeting of all the local boards of the horough, and by a majority of the members of said boards.

Id.; further powers.

Sec. 429. A local board shall have power to hear complaints of nuisances in streets or avenues, or, against disorderly houses, drinking saloons, conducted in violation of the laws regulating the traffic in liquor, gambling houses or any other places or congregations violative of good order or of the laws of this state, or other matters or things concerning the peace, comfort, order and good government respecting any neighborhood within the district, or concerning the condition of the poor within the district, and to pass such resolutions concerning the same as may not be inconsistent with the powers of the board of aldermen or of the respective administrative departments of The City of New York, and to aid sueh hoard of aldermen and departments in the discharge of their duties respecting the good government of the said district. All resolutions passed under the authority of this section shall he submitted to the mayor; and if he shall within ten days thereafter declare the same to be general in character, they shall be invalid; otherwise, they shall take effect upon the expiration of said period of ten days.

Id.; meetings; secretary; quorum.

Sec. 430. Meetings of each local board shall he held at the main hall or puhlic huilding of the borough. It shall be the duty of the president to call such meetings whenever in his opinion the puhlic business shall require, or whenever he shall receive the written request of any three members of a local hoard. The secretary of the president of the horough shall act as the secretary of eaeh local hoard in the borough, without additional compensation. He shall keep a record of all resolutions, proceedings and determinations of each local hoard, and shall file the same in the office of the president of the borough, and he shall discharge such other duties as may he prescribed by this act, or hy the board of aldermen, or hy the president of the borough, or by a local hoard. The president of a local hoard and one other member thereof shall constitute a quorum for the transation of husiness at any meeting duly called.

TITLE 3.

LOCAL IMPROVEMENTS.

President; duty on receipt of petition.

Sec. 432. Whea a petition for a local improvement within the jurisdiction of a local hoard has heen received by the president of the horough, it shall be his duty to appoint a time for the meeting of the proper local hoard, not more than fifteen days thereafter, at which meeting such petition will by him be submitted to the said local board, and he shall thereupon cause a notice to be published in the City Record, that such petition has been presented to him and is on file in his office for inspection, and of the time when and of the place where there will be a meeting of the local board at which such petition will be submitted by him, to said hoard, which time shall uot he less than ten days after the publication of the notice.

Local board; proceedings after petition.

Sec. 433. The local board, after the submission of such petition and consideration of the same, may then, as the petition shall ask, pass a resolution to bridge, to tuunel, to open, to closc, to extend, to widen, to regulate, to grade, to curh, to gutter, to flag and to pave streets, to lay crosswalks, and to construct sewers within its district and generally for such other improvements in and about such streets within its district as the public wants and convenience of the district shall require.

Id.; to transmit resolution; further procedure; expenses to be a lien.

Sec. 434. If the local board shall by resolution decide that proceedings he initiated for a local improvement within its jurisdiction, it shall thereupon, forthwith, transmit a copy of such resolution to the board of estimate aud apportionment. Said board shall promptly consider such resolution, and approve or reject the same, and return said resolution if approved to the president of the borough where it originated, and he may thereupon proceed in the execution of the work covered by said resolution in accordance with the provisions of this act; hut no puhlic work or improvement, involving an assessment for benefit, shall he authorized until there has heen presented to the hoard of estimate and apportionment an estimate in writing, in such detail as the board may direct, of the cost of the proposed work or improvement, and a statemeut of the assessed value, according to the last preceding tax roll, of the real estate included within the prohable area of assessment. The expense of all such improvements shall be assessed and be a lien on the property henefited thereby in proportion to the amount of said benefit; hut no such work shall be done hy the horough president on any item whieh imposes a charge upon the whole city of more than five hundred thousand dollars, except with the approval of the board of aldermen.

Local boards; power to flag sidewalks, etc.

Sec. 435. A local board shall have the power to cause the grading or regrading, the flagging or reflagging, the curbing or recurbing of sidewalks, laying or relaying of crosswalks, constructing of gutters, receiving basins and inlets, fencing vacant lots, digging down lots or filling in sunken lots within its district, by resolution approved by the board of estimate and apportionment; provided, however, that when the expenses to be incurred by any one such resolution shall not exceed the sum of two thousand dollars, the approval of the board of estimate and apportionment shall not be necessary. When such puhlic work or improvement shall have been authorized, the president of the borough within which such work is to be done shall proceed forthwith to the execution thereof.—As amended by Laws of 1916, Chap. 493.

Power to assess for local improvements.

Sec. 436. In all cases where the board of estimate and apportionment or the hoard of aldermen or the hoard of estimate and apportionment and the board of aldermen together, with or without the concurrence or approval of any other board or officer are authorized to determine that a local improvement is to be made, the said board of estimate and apportionment or the said hoard of aldermen, or both, as the case may he, shall determine whether any, and if any, what proportion of the cost and expense thereof shall be borne and paid by The City of New York and the remainder of such cost and expense shall he assessed upon the property deemed to he benefited thereby; and the assessment shall he laid and confirmed and collected in accordance with the provisions of chapter seventeen of this act. The determination or decision of such hoard as to the proportion of cost and expense to be borne and paid by The City of New York, as to the proportion to be borne by the property benefited, after it shall have heen made and announced, shall he final, and such determination or decision shall not be reopened or reconsidered by said board. Except that the board of estimate and apportionment as provided in this section, may in its discretion, upon the petition of a majority of property owners whose property has been assessed because deemed to be benefited by such local improvement, as herein provided within six

months after such assessment has been imposed reopen and reconsider its said determination and decision and may redetermine the proportion of such expense to be borne by The City of New York and by the property benefited as hereinbefore provided in this section. The words "local improvement" as used in this section shall be construed to mean any work the payment of which was, prior to the passage of this act provided for, by the laws in force in the territory of the corporation formerly known as the mayor, aldermen and commonalty of the city of New York, in whole or in part, by assessment upon the property deemed to be benefited thereby or the owners thereof, other than assessments which are confirmed by a court of record.—As amended by Laws 1907, Chapter 678.

Construction of this title.

Sec. 437. Nothing in this title contained shall be construed to in any way limit the power of the board of aldermen in authorizing any public improvement.

TITLE 4.

THE MAP OR PLAN OF THE CITY OF NEW YORK, ESTABLISHING OF GRADES, CHANGES THEREIN, MAP OF SEWER SYSTEM AND SEWER DISTRICTS.

The map of The City of New York.

Sec. 438. The map or plan of the territory lying within the borough of Manhattan, as heretofore laid out, adopted and established by the municipal authorities of the corporation known as the mayor, aldermen and commonalty of The City of New York, and the map or plan of that part of the territory lying within the borough of The Bronx, laid out by the commissioner of street improvements of the twenty-third and twenty-fourth wards pursuant to chapter five hundred and forty-five of the laws of eighteen hundred and ninety, and the acts amendatory thereof, as heretofore duly laid out, adopted and established by such commissioner, with the concurrence and approval of the board of street opening and improvements pursuant to law, and the map or plan of so much of the territory laying within the borough of Brooklyn, for which a permanent map or plan has been adopted, as heretofore duly laid out, adopted and established by the proper municipal authorities, and the map or plan of so much of the territory lying within the borough of Queens, for which a permanent map or plan has been adopted by the proper municipal authorities of Long Island City, as so laid out, adopted and established, showing the parks, streets, bridges and tunnels, and approaches to bridges and tunnels as heretofore laid out, adopted and established pursuant to law, and the maps and profiles included in or accompanying the same, showing the grades of such streets duly fixed, adopted and established, shall constitute the map or plan of The City of New York to the extent and so far as they cover the territory lying within the said city, and as such is hereby laid out, adopted, established and confirmed is to be deemed final and conclusive with respect to the location, width and grades of the streets shown thereon, so far as such location, width and grades have been heretofore duly adopted, except as herein otherwise provided.

Map to be completed.

Sec. 439. It shall be the duty of the president of each borough comprised within The City of New York, as constituted by this act, subject to the limitations hereinafter provided, to prepare a map of that part of the territory embraced within the borough of which he is president, of which a map or plan has not heretofore been finally established and adopted, as set forth in section four hundred and thirty-eight of this act, locating and laying out all parks, playgrounds, streets, bridges, tunnels and approaches to bridges and tunnels, and indicating the width and grades of all such streets so located and laid out. It shall be the duty of the president of each borough under the direction of the mayor to continue and complete the system of exact triangulation inaugurated in the borough of the Bronx, over that part of the borough of which he shall be president of which no map or plan has heretofore been established and approved, provided that such system of triangulation, after the most approved and exact method, shall be finished before the first day of January, nineteen hundred and seven. The duty of conducting such system of triangulation shall be entrusted only to a civil engineer who shall have had at least five years' experience in the method and manner of precise surveying, and whose fitness and competency shall have been determined in a civil service examination, or, with the consent of the mayor, to such civil engineer or other expert as may be designated by the superintendent of the United States coast and geodetic survey, or other proper officer of the United States. The mayor with the approval of the board of estimate and apportionment shall have power to enter into a contract or agreement with the proper representative of the United States so that The City of New York may be able to avail itself of the aid and assistance of the United States coast and geodetic survey in making an exact triangulation of the territory embraced within the boundaries of The City of New York. The mayor with the approval of the board of estimate and apportionment shall have power to employ such persons to assist in the work as they may deem necessary and to pay such sums as may be reasonable and necessary for their services and subsistence and for reasonable and necessary expenses, but not to exceed the sum of fifteen thousand dollars in any one year. The comptroller is authorized and directed to issue special revenue bonds not to exceed said amount in any one year upon the request of the board of estimate and apportionment in order to provide the means to make the payments thus authorized. The said civil engineer or other expert shall prepare and furnish, for primary stations, the latitude and longitude determined in conformity with the method used by the United States coast and geodetic survey; for secondary stations, the rectangular spherical co-ordinates; and for all stations, rectagular co-ordinates referred to a given fixed central meridian, or assumed meridian. Such co-ordinates shall be official and binding upon all officers making any map or plan relating to any borough or part thereof. Whenever and as often as the president of any borough shall have completed the map of a part of the territory aforesaid, he shall report the same together with the surveys, maps and profiles, showing the parks, playgrounds, streets, bridges, tunnels, and approaches to bridges and tunnels located and laid out by him, and the grades thereof, to the board of estimate and apportionment for its concurrence and approval, subject, nevertheless, to such corrections or modifications as in the judgment of the majority of said board may be advisable; and the said board thereafter shall cause such map or plan, and such profiles, as finally adopted by it, to be certified by the secretary of said board, and filed as follows: One copy thereof in the office in which conveyances of real estate are required to be recorded in the county in which the territory shown upon such map is located; one copy thereof in the office of the corporation counsel; and one copy thereof in the office of the president of the borough, who shall have prepared such map. Such map and profiles, when so adopted and filed, shall become a part of the map or plan of The City of New York, and shall be deemed to be final and conclusive with respect to the location, width and grades of the streets shown thereon, and the same shall not be subject to any further change or modification except as provided in section four hundred and forty-two of this act; provided, however, that local boards at a joint meeting of all the boards comprised within the borough for which said map was adopted, within three months after the opening of a street, shall have the power to alter the grade of such street, and to alter the grades of intersecting streets, so far as it may be necessary to conform the same to new grades of the street opened.—As amended by Laws of 1913, chap. 329.

President may be required to complete map.

Sec. 440. The board of estimate and apportionment, with the approval of the mayor, may at any time require the president of any borough to complete the map or plan of the whole or of a part of the territory for which the map or plan shall not at such time have been finally established and adopted as specified in sections four hundred and thirty-eight and four hundred and thirty-nine of this act, and to report the same to the board of estimate and apportionment within a fixed and specified time.

Grades established by user.

Sec. 441. Whenever any street in The City of New York shall have been used as such for upward of twenty years without having the grade thereof established by law, the level or surface of such street as so used shall be deemed to be and to have been the grade thereof.

Authority of board of estimate to change map or plan of city or to change grades.

Sec. 442. The board of estimate and apportionment is authorized and empowered, whenever and as often as it may deem it for the public interest so to do, to change the map or plan of The City of New York so as to lay out new streets, parks, playgrounds, bridges, tunnels and approaches to bridges and tunnels and parks and playgrounds, and to widen, straighten, extend, alter and close existing streets and to change the grade of existing streets shown upon such map or plan by publishing notice of its proposed action for ten days, in the City Record and the corporation newspapers, and giving an opportunity for all persons interested in such change to be heard, at a time and place to be specified in such notice, such time to be not less than ten days after the first publication of such notice. After the due publication of such notice, and after hearing protests and objections, if any there be, against the proposed change, if the said board shall favor such change, notwithstanding such protests and objections, and the same receives the approval of the mayor, such change in the map or plan of The City of New York, or in the grade of any street or streets shown thereon, shall be deemed to have been made. [As amended by Laws of 1913, chap. 329.]

Maps of city to be kept in office of corporation counsel and office of borough presidents; maps showing changes where filed.

Sec. 443. The map or plan of The City of New York or a certified copy thereof, showing the streets and parks within The City of New York as constituted by this act, shall be kept, one copy thereof in the office of the corporation counsel and one copy thereof, so far as the same shall apply to any one borough, in the office of

the borough president of such borough. Whenever the map or plan of The City of New York, as heretofore laid out, adopted, established and confirmed by this act, or as hereafter laid out, adopted and established pursuant to this act, shall be changed, and whenever the grade of any street shown thereon shall be changed, the board of estimate and apportionment shall forthwith cause the maps and profiles, showing such change in the map or plan of The City of New York, or in the grade of a street or streets shown thereon, to be certified by the secretary of said board and filed as follows: One copy thereof in the office in which the conveyance of real estate are required to be recorded in the county in which the territory shown upon said copy is located; one copy thereof in the office of the corporation counsel and one copy thereof, so far as the same shall apply to any one borough, in the office of the president of such borough.

Drainage and sewer system to be completed.

Sec. 444. It shall be the duty of the said president of each borough, subject to the approval of the board of estimate and apportionment, to devise and prepare, so far as the same has not already been done, a plan for the proper sewerage and drainage of the borough of which he is president, for the purpose of thoroughly draining and carrying off water and other matter proper to be carried off by sewers. The president of the borough of Brooklyn and president of the borough of Queens shall confer as to such part of such plan for each borough as shall adjoin the other, and shall endeavor to make said plans harmonize with each other so far as may be. The said president of each borough shall, so far as the same has not already been done, and subject to the like approval, lay out the borough of which he is president, into as many sewerage districts as he may deem necessary for the aforesaid purpose, and shall also determine and show, on suitable maps or plans, the location, course, size and grade of each sewer and drain proposed for each of said districts, and the proposed alterations and improvements in existing sewers, and shall also determine and show, on said maps or plans, the contemplated depth of said sewers and drains below the present surface, and also below the established grades of the streets and avenues in each of said districts, and such other particulars as may be necessary for the purpose of exhibiting a complete plan of the proposed sewerage therein.

Drainage plan to be filed.

Sec. 445. Upon the completion of the map or plan for the drainage of any sewerage district and its approval by the board of estimate and apportionment, such map or plan shall be the permanent plan for the sewerage of such district; subject, however, to such subsequent modifications as may, in the opinion of the president of the borough to which said plan shall apply, and the board of estimate and apportionment, become necessary in consequence of alterations made in the location or grade of any street or part thereof in said district, or for other reasons. Copies of such complete map or plan and of the maps showing modifications therein shall be certified by the secretary of the board of estimate and apportionment and shall be filed as follows: One copy thereof in the office in which conveyances of real estate are required to be recorded in the county in which the territory shown upon said map is located; one copy thereof in the office of the corporation counsel, and one copy thereof in the office of the president of the borough to which said plan applies.—As amended by Laws of 1911, chapter 675.

All sewers to be in accordance with general plan.

Sec. 446. It shall not be lawful hereafter to construct any sewer or drain in the city unless such sewer or drain shall be in accordance with the general plan, approved as aforesaid, for the sewerage of the particular district in which such sewer or drain is proposed to be constructed.

Raising of grade for drainage.

Sec. 447. Whenever the president of any borough shall determine that it is necessary to raise the grade of any street or streets for the proper sewerage of the sewer district in which such street or streets, or parts of streets, are situated, the said president shall prepare a plan showing said proposed change of grade, and shall present the same to the board of estimate and apportionment, which said board is hereby authorized and empowered to change the grade of such street or streets, or parts of streets, so far as shall be necessary for the proper drainage thereof in accordance with said plan.

Power to mark boundaries and to make surveys.

Sec. 448. The mayor shall have power to direct the president of any borough to mark any boundary line or lines of the municipal corporation constituted by this act and known as The City of New York, as said boundary line or lines is or are determined in and by this act, so as to distinguish and define the boundaries of said city, the boundaries of the boroughs thereof, and any other boundary line or lines determined in and by this act, by such monuments as may be authorized by the mayor. The president of any borough shall upon the request of the board of aldermen, of a local board, of commissioners of estimate, or of commissioners of estimate and assessments, furnish surveys, diagrams or other information as may enable them to fully discharge the duties imposed upon them by this act relative to street and park improvements. It shall be lawful for the president of any borough, an dall persons acting under his authority, to enter in the day time into and upon any lands, tenements and hereditaments and waters which he shall deem necessary to be surveyed, used or converted for the laying out, surveying and monumenting of parks, streets, bridges, tunnels, and approaches to bridges and tunnels, in The City of New York, or for marking any boundary line or lines.

President to appoint surveyor; appropriations to be made for maps, etc.

Sec. 449. The president of each borough shall have power to appoint a surveyor or engineer who shall have the custody of the maps filed in the office of the president of said borough. There shall be made in the final estimate each year such provisions or appropriations as may be necessary for the preparation and making of maps, plans and profiles, and for the setting of monuments.

CHAPTER XI.

DEPARTMENTS OF WATER SUPPLY, GAS AND ELECTRICITY, STREET CLEANING AND BRIDGES.

Title 1 General provisions.
Title 2 Department of water supply, gas and electricity.
Title 3. Department of street cleaning.
Title 4. Department of bridges.

TITLE I.

GENERAL PROVISIONS.

Secs. 451 454, 456, 457, 458. Repealed by Act of 1901.

Heads of departments.

Sec. 459. Each of the commissioners hereinafter provided for in this chapter shall in all respects administer his department in conformity with the ordinances of the board of aldermen relating thereto, and each shall be vested with the sole executive power in his department, and be subject to the laws of the state and the ordinances of the city for the conduct and the work of his department.

Deputies.

Sec. 452. The commissioner at the head of each of said departments may appoint one deputy commissioner who shall be located at the main office of such department, and there may be a deputy in each borough in which is located a branch office of such department, if provision is made therefor by the board of estimate and apportionment and the board of aldermen. A deputy commissioner located at a branch office shall, under the direction and control of the commissioner appointing him, have charge of the office work of his department in the borough or boroughs for which the office was established, and of the execution of all work devolved upon his department therein. The commissioner at the head of each of said departments may designate one or more of said deputies, who shall, in addition to his other powers, possess every power and perform all and every duty belonging to the office of such commissioner, so far as specified in such designation, whenever so empowered by such commissioner by written authority, designating therein a period of time, not extending beyond a period of three months nor beyond the term of office of such commissioner, during which such power and duty may be exercised, and such designation and authority shall be duly filed in and remain of record in said department, but may be revoked at any time. A deputy commissioner so designated shall possess the like authority in case of absence or disability of such commissioner.

Engineers.

Sec. 453. The commissioner at the head of each of said departments, excepting the department of street cleaning, may appoint and at pleasure remove a chief engineer of his department, with power to appoint, remove and detail a staff of assistant engineers. If the commissioner of any department deem it advisable that more than one chief engineer be appointed for such department, such commissioner, when authorized by the board of estimate and apportionment and the board of aldermen, may appoint such additional chief engineers, each with power to appoint and remove at pleasure, and detail a staff of assistant engineers. All chief engineers appointed by them respectively, must be civil engineers of at least ten years experience, and all assistant engineers appointed by them must be civil engineers of at least five years experience. An engineer located at a branch office of his department in any borough may be appointed a deputy commissioner for the borough or boroughs to which he is assigned. An assistant engineer who has been appointed a deputy commissioner may be designated as the engineer for the borough in which he acts as deputy. Any engineer may be designated by such title as shall properly describe his principal duties in the judgment of the head of his department.—As amended by Laws 1908, Chapter 83.

Consulting engineers.

Sec. 455. The commissioner of bridges may at any time employ, when thereto authorized by the board of estimate and apportionment and the board of aldermen, a consulting engineer, who shall be a recognized expert in bridge construction, and who shall have had not less than fifteen years' experience as a civil engineer. The commissioner of water supply, gas and electricity may at any time employ, when thereto authorized by the board of estimate and apportionment and the board of aldermen, a consulting hydraulic engineer to his department of at least fifteen years' experience as a civil engineer, and a consulting engineer of lighting and electricity to his depart-

ment, who shall be an expert in all matters relatiug to lighting and electricity, and whose traiuing shall also have included instruction in the capacity of civil engineer.

Commissioners; power to appoint, etc.

Sec. 459. If the commissioners of two or more departments named in this chapter shall at any time determine that the duties of the chief eugineer or the deputy commissioner in each of said two or more departments in and for any borough can be adequately performed by one and the same person, then it shall be lawful for said commissioners, each acting in his department, to appoint the same individual as chief eugineer or deputy commissioner, or both, of such departments for auy or said boroughs; such appointment as chief engineer may be revoked by the proper commissioner or commissioners, respectively, as to all but one department.

Transfer of employes from borough to borough and from department to department.

Sec. 460. Nothing in this act contained shall be construed to limit in any way the power of the commissioner at the head of any one of the departments named iu this chapter to transfer any employe or employes from the office of his department located in one borough to the office of his department in any other borough.

Transfer of appropriatious.

Sec. 461. No appropriatiou to any one of the departments named in this chapter, which is specifically appropriated to be used in one borough shall be transferred for expenditure in any other borough by the board of estimate and apportionment, except with the consent of the president of the borough from which the transfer is to be made; but if any public work within the cognizance and control of any one of said commissioners must be executed in more than one borough he may, in his discretiou, direct that said work shall be done through the joint forces of his department in the boroughs affected, or he may execute such work with the force of his central office.

Definition of word "street."

Sec. 462. Whenever the word "street," or the plural thereof, occurs in this chapter, it shall be deemed to iuclude all that is included by the term "street, avenue, road, alley, lane, highway, boulevard, concourse, public square and public place," or the plurals thereof, respectively.

TITLE 2.

DEPARTMENT OF WATER SUPPLY, GAS AND ELECTRICITY.

Commissioner of water supply, gas and electricity; appointment; salary.

Sec. 468. The head of the department of water supply, gas and electricity shall be called the commissioner of water supply, gas and electricity. He shall be appointed by the mayor and hold office as provided in chapter four of this act. His salary shall be seven thousaud five hundred dollars a year. The main office of the department shall be located in the borough of Manhattan. A branch office shall be located in the borough of Brooklyn, and branch offices may be located iu the borough of the Bronx, the borough of Queens and the borough of Richmond, respectively.—As amended by Laws of 1902, Chapter 589.

Id.; jurisdiction.

Sec. 469. The commissioner of water supply, gas and electricity shall have jurisdiction, charge and control:

1. Of all structures and property connected with the supply and distribution of water for public use, except the same shall be owned by private corporations, including all fire and drinking hydrants and all water meters.

2. Of furnishing the water supply and maintaining its quality, and of the investigation, and the construction of all work necessary to deliver the proper and required quantity of water with ample reserve for contingencies and future demands.

3. Of the collection of the revenues from the service, sale or use of water from the public water supply.

4. Of making and enforcing rules and regulations governing and restricting the use and supply of water; of making rules and regulations, subject to the approval of the board of aldermen, concerning and fixing uniform annual charges and extra and miscellaneous charges for the supply of water, meter rates and minimum charges for the supply of water by meter, annual service charges and charges for meters and their connections, and for their setting, repair, and maintenance, and fines for violations of rules and regulations; of enforcing such rules and regulations and of collecting such charges and fines; of the acquisition from private owners, with the approval of the board of aldermen and upon such terms and subject to such rules and regulations as may be approved by said board, of any meters installed upon premises connected with the public water supply; of making and enforcing rules and regulations, and of fixing and collecting charges and fines where no rules, regulations, charges and fines approved by the board of aldermen are applicable; but no fine for the violation of rules and regulations shall be imposed against any property unless notice thereof be mailed by the department to the property unless addressed to the owner, or where his name is unknown to "owner or occupant" and a hearing be afforded; and of recommending to the board of alderment* proposed ordinances relating to any of the matters within the province of his department.

5. Of the making and performance of contracts when duly authorized in accord with the provisions of this act, and for the execution of the same in the matter of furnishing the city, or any part thereof, with gas, electricity or any other illuminant or of steam; of the selecting, locating and removing and changing of lights for the use of the city; of the inspecting and testing of gas and electricity used for light, heating and power purposes, electric meters, electric wires and of all lights furnished to said city; and of the use and transmission of gas, electricity, pneumatic power and steam for all purposes in, upon, across, over and under all streets, roads, avenues, parks, public places and public buildings; of the construction of electric mains, conduits, conductors and subways in any such streets, roads, avenues, parks and public places, and the granting of the permission to open streets, when approved by the borough president, and to open the same for the purpose of carrying on therein the business of transmitting, conducting, using and selling electricity, steam or for the service of pneumatic tubes. This section shall not be construed to empower the said commissioner to grant permission to open or use the streets except by persons or corporations otherwise duly authorized to carry on business of the character above specified.—As amended by Laws of 1916, Chap. 602.

Id.; power when more than one borough involved.

Sec. 470. If any of the public work within the cognizance and control of the said commissioner of water supply, gas and electricity must be executed entirely outside of the city limits, he may direct that such work be done by any of his force as may seem to him most advantageous.

Id.; restriction on power to contract.

Sec. 471. It shall not be lawful for the commissioner of water supply, gas and electricity to enter into any contract whatever with any person or corporation eugaged in the business of supplying or selling water for private or public use and consumption, unless preliminary to the execution of the contract, the assent of the board of estimate and apportionment, together with the separate written consent and approval of both the mayor and comptroller of The City of New York of the proposed contract in all its details, shall be given by resolution to the execution of such contract as submitted, and it shall not be lawful for the said city of New York or for any department thereof, to make any contract touching or concerning the public water supply, and especially the increase thereof, with any person or corporation whatsoever, save in accordance with the provisions and requirements of this act, which said provisions and requirements are hereby declared to establish the exclusive rule for the making of such contracts. All proceedings relating to the making or approval of any such contract may be reviewed by the appellate division of the supreme court in the first or second department on the application of any resident taxpayer.

Id.; employes of water works companies.

Sec. 471-a. Each and every superintendent, cashier, bookkeeper, stenographer, clerk, inspector, tapper, calker, pipe fitter, engineer, assistant engineer, street foreman, firemau, driver and stableman, who on the first day of January, nineteen hundred and eight, was employed as such by any water works company, the operation of which shall, hereafter, be assumed by The City of New York, and who shall continue to be so employed at the time when the operation of said water works shall be assumed by The City of New York, aud who shall successfully pass a noncompetitive civil service examiuation, under the civil service law, in accordance with rules and regulations prepared by the municipal civil service commission, shall, after The City of New York shall have assumed the operation of said water works, have their names placed upon appropriate lists for employment thereon for the same or similar service in the department of water supply, gas and electricity of such city as they performed on the first day of January, nineteen hundred and eight. For appointments under the provisions of this act, the municipal civil service commission shall make certifications from such lists before certifications are made from any other lists, and the commissioner of water supply, gas and electricity shall in his discretion have authority to make appointments from the lists provided for herein under the same rules and regulations of the municipal civil service commission of The City of New York as govern appointments from the regular municipal civil service eligible lists.—Added by Laws 1908, Chapter 142.

Id.; power to determine source of water supply; condemnation proceedings, etc.

Sec. 472. The commissioner of water supply, gas and electricity, with the approval of the board of estimate and apportionment, shall have power within and throughout the state of New York, to select and to determine all sources of water supply that may be needed for the supply of the public waterworks of said city, and for the supply and distribution of water in said city. Any sources of water so selected and determined by him shall be deemed necessary for the public use of The City of New York, and thereupon, with the approval of the board of estimate and apportionment, together with the authority of the board of aldermen expressed by its resolution or ordinance, it shall be lawful for The City of New York to acquire by condemnation any real estate or any interest therein that may be necessary in order to acquire the sole and exclusive property in such source or sources of water supply, and to wholly extinguish the water rights of any other person or corporation therein, with the right to lay, relay, repair and maintain aqueducts, conduits and water pipes with the connections and fixtures on the lands of others, aud, if necessary, to acquire by condemnation lands for such purpose in any county or counties through which it may be necessary to pass in conducting such waters to The City of New York; the right to intercept and to direct the flow of water from lands of riparian owners, and from persons owning or interested in any water, and the right to prevent the flow or drainage of noxious or impure matters from the lands of others iuto its reservoirs or sources of supply, provided that it shall have power to acquire or to extinguish the property rights of any person or corporation in or to any water rights that at the time of the initiation of proceedings for condemnation are in actual use for the supply of the water works of the people of any other city, town or village of the state, or for the supply and dis-

*So in original.

tribution of waters to the people thereof; or which in the opinion of the court on such proceedings may reasonably become necessary for such supply or to take or use the water from any of the canals of the state, any canal reservoirs, or waters used exclusively as feeders for canals, or from any of the streams acquired by the state for supplying the canals with water. It shall be the duty of the corporation counsel to take the necessary legal proceedings, as provided in this act, for such improvement, upon the request in writing of the said commissioner of water supply. In the ascertainment of the compensation for any property or property rights so acquired, such compensation shall be based upon the actual values of the property or the interest acquired therein at the time of its taking, and there shall not be taken into consideration any prospective or speculative value, based upon the possible, probable or actual future use of such property, or property rights, if the same had not been acquired by the said city of New York for the public use. The commissioner of water supply, gas and electricity is hereby authorized to examine into the sources of water supply of any private companies supplying The City of New York or any portion thereof or its inhabitants with water, to see that the same is wholesome and the supply is adequate, and to establish such rules and regulations in respect thereof as are reasonable and necessary for the convenience of the public and the citizens; and the said commissioner may exercise superintendence, regulation and control in respect of the supply of water by such water companies, including rates, fares and charges to be made therefor, except that such rates, fares and charges shall not, without the consent of the grantee, be reduced by the said commissioner beyond what is just and reasonable; and in case of a controversy, the question of what is just and reasonable shall be finally be determined as a judicial question on its merits by a court of competent jurisdiction. The City of New York is authorized to acquire by purchase, lease, or otherwise, lands or water in any other state, or rights, interests, or privileges in, to or over any lands or water in any other state for the purpose of supplying water to The City of New York. Nothing in this section contained shall be deemed in any manner to limit the rights, property rights, power or jurisdiction now possessed by The City of New York in relation to the possession, maintenance, operation or completion of its present water system.

Charges to be liens.

Sec. 473. All uniform annual charges and extra and miscellaneous charges for the supply of water, charges in accordance with meter rates and minimum charges for the supply of water by meter, annual service charges and charges for meters and their connections and for their setting, repair, and maintenance, penalties, and fines for the violation of rules and regulations, shall become a charge and lien upon the land and buildings where the water was consumed or supplied, the service rendered or the meters installed, and against which they are imposed, and if not paid, shall be transmitted to the comptroller for collection. Such charges may also be collected from the consumers of water or owners or occupants of all such lands or buildings. No charge for the supply of water other than a meter charge, minimum charge or annual service charge shall be made against any houses or lots or any portion or portions thereof where a water meter may have been or shall be placed as provided in this act. In all cases where a water meter may have been or shall be placed, the charge for supply of water shall be determined only by the quantity of water actually used as shown by said meters, except for a minimum charge or an annual service charge and except as provided by section four hundred and seventy-five of this act.—As amended by Laws of 1916, Chap. 602.

Sec. 474. Repealed by Act of 1916.

Water meters; when to be placed

Sec. 475. The commissioner of water supply, gas and electricity is authorized, in his discretion, to install or cause to be installed water meters, the pattern and maximum price of which shall be approved by the board of aldermen in any or all stores, workshops, hotels, manufactories, office buildings, public edifices, at wharves, ferry house, stables, and in all places in which water is furnished for business consumption, and, if authorized thereto by resolution or ordinance of the board of aldermen, in any or all apartment houses, tenements, flat houses, and private dwellings, and upon written demand of the owner of any lot or premises to which such water is supplied, he shall install or cause to be installed a meter or meters. Thereafter, as shall be determined by the commissioner, the said department shall make out all bills and charges for water furnished by the department to such premises in ratable proportion to the water furnished, as ascertained by meter subject to such minimum and service charges as may be established, except that when a meter shall fail to register correctly, or shall cease to record the flow of water, or where a meter shall have been removed from premises for repairs, or for any of other reason, then the commissioner may disregard such incorrect registry or such non-registry and may charge for water supplied duing the period when such meter shall have been out of the premises for repairs or fo rany other reason, at the average daily registration of wate indicated for repairs for an appropriate period prior or subsequent to such period. All expense and cost of meters and their connections, and of their setting, repair and maintenance, unless with the approval of the board of aldermen such expenses and cost be borne by the department, shall be a charge and lien upon the premises. Nothing herein contained shall be construed so as to remit or prevent the due collection of arrearages or charges for water consumption heretofore incurred, nor interfere, with the proper liens therefor, nor of charges, or rates, or liens hereafter to be incurred for water consumption in any building or place which may not contain one of the meters aforesaid. The moneys collected for service cbarges and for expense and cost of meters and their connections, and for setting, repairing, maintaining and replacing the same, may be applied by the said commissioner to the payment of expenses incurred in procuring meters and their connections and in setting, repairing, maintaining and replacing meters.—As amended by Laws of 1916, Chap. 602.

Water rents; when payable; penalty for non-payment.

Sec. 476. Uniform annual charges and extra and miscellaneous charges for water not metered and annual service charges and minimum charges shall be due and payable in advance on the first day of January in each year, if entered; and if not paid to or received by the department before the close of the last business day of the following March, shall be subject to a penalty of five per centum, and if not paid to or received by the department before the close of the last business day of the following June to a further penalty of ten per centum. If not so entered and payable, but entered in any quarter of a year, they shall be due and payable when entered and shall, after the mailing before or upon the close of such quarter of notice thereof to the premises against which they are imposed addressed to "owner or occupant" be subject, if not paid to or received by the department before the close of the last business day of the next quarter, to a penalty of five per centum and, if not paid to or received by the department before the close of the last business day of the next succeeding quarter to a further penalty of ten per centum. All charges for meters and their connections and for the setting, repair and maintenance, unless such charges shall be borne by the department, and all charges in accordance with meter rates for supply of water measured by meter shall be due and payable when entered, and such charges when entered in any quarter of a year shall, after the mailing before or upon the close of such quarter of notice stating the amount due and the nature of the charge to the last known address of the person whose name appears on the record of such charges as being the owner, occupant or agent or, where no name appears, to the premises addressed to "owner or occupant" be subject, if not paid to or received by the department before the close of the last business day of the next quarter, to a penalty of five per centum, and if not paid to or received by the department before the close of the last business day of the next succeeding quarter to a further penalty of ten per centum.—As amended by Laws of 1916, Chap. 602.

No valve, etc., to be used with royalty.

Sec. 477. No patent hydrant, valve or stopcock shall be used by the department of water supply unless the patentee or owner of said patent shall allow the use of the patent by said department without royalty.

Notice of rules and regulations; penalty for non-payment; water supply cut off.

Sec. 478. The rates and charges for supply of water, the annual service charges and minimum charges, the rules and regulations concerning the use of water and all other rules and regulations affecting users of water or concerning charges for supply of water or strictions of the use of water, installation of meters, penalties, and fines for violations of rules and regulations shall be printed on each bill and permit so far as in the judgment of the commissioner of water supply, gas and eelectricity they are applicable. This act and such printing and the printing of this section on such bills and permits shall be sufficient notice to owners, tenants or occupants of premises to authorize the imposition and recovery of any charges, and fines imposed under such rules and regulations and of any penalties imposed in pursuance of this act in addition to cutting off the supply of water. Where charges payable in advance are not paid within period covered by such charges and a notice of such non-payment is mailed by the department to the premises addressed to "owner or occupant," the commissioner may shut off the supply of water to such premises. Where charges not payable in advance have been made by the department and remain unpaid for more than thirty days after notice thereof mailed to the premises addressed to "owner or occupant," the commissioner may shut off the supply of water to the premises.—As amended by Laws of 1916, Chap. 602.

Commissioner; duty in regard to sources of water supply and property of department.

Sec. 479. The commissioner of water supply, gas and electricity is charged with the preservation of all lakes and all waters from which a supply is drawn by the city, with the preservation of the banks of and of any river or other body of water from which the supply is drawn, from injury or nuisance, and with the execution of such measures as may be necessary to preserve and increase the quantity of water and keep it pure and wholesome and free from contamination and pollution, with the management, preservation and repairs of the dams, gates, aqueducts, bridges, water towers, reservoirs, mains, pipes, pipeyard, and property of every description belonging to the water-works, and shall have the construction of such new works and the purchase and laying down of such mains and pipes as may be authorized in accordance with law. The department of water supply, gas and electricity shall be responsible for the supply of water and the good order aud security of all the water-works, for the exactness and durability of the structures which may be erected, and for the daily work to be performed and for the sufficiency of the supply in the pipeyards to meet every casualty, and for the fidelity, care and attention of all persons employed by the department in watching the works, and in making constructions and repairs.

Assessment on lands used as reservoirs.

Sec. 480. The lands heretofore taken or to be taken for storage, reservoirs, or for other constructions necessary for the introduction and maintenance of a sufficient supply of water in the city, or for the purpose of preventing contamination or pollution, sball be assessed and taxed in the counties in which they are or may be located, in the manner prescribed by law, exclusive of the aqueducts. But nothing in this section contained shall prevent the assessors in the county of Nassau from assessing the pumping stations and buildings located in such county.

Certain acts misdemeanors.

Sec. 481. It shall not be lawful for any person to throw or deposit, or cause to be thrown or deposited in any lake, pond or stream, or in any aqueduct from or through which any part of the water supply of The City of New York shall be drawn, or either of the reservoirs, any dead animal or other offensive matter, or anything whatever. Any person offending against the provisions of this section shall be decmed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine or imprisonment, or both, in the discretion of the court. Such fine not to exceed the sum of one hundred dollars, and such imprisonment not to exceed a period of three months. Such imprisonment to be in the jail of the county in which the offense shall have been committed.

Id., continued.

Sec. 482. If any person shall willfully do or cause to be done any act whereby any work, materials, or property whatever, erected or used or hereafter to be erected or used within the city or elsewhere by the said city, or any person acting under their authority, for the purpose of procuring or keeping a supply of water, shall in any manner be injured or shall erect or place any nuisance on the banks of any river, lake or stream from which the water supply of said city shall be drawn, or shall throw anything into the aqueduct, or into any reservoir or pipe, such person on conviction thereof, shall be deemed guilty of a misdemeanor.

Duty of commissioner.

Sec. 483. The commissioner of water supply, gas and electricity is hereby authorized, empowered and directed to carry out the provisions of this act, in the manner hereinafter provided, for the purpose of maintaining, preserving and increasing the supply of pure and wholesome water for the use of the city, and for the purpose of preventing or removing contamination or pollution of any supply or source or sources of supply of water hereinbefore acquired by or on behalf of said city, and for the purpose of preventing the contamination or pollution of any river, water course, lake, pond, stream or reservoir hereafter acquired for the purpose of supplying said city with water.

To take proceedings to acquire title.

Sec. 484. In all cases where the commissioner of water supply, gas and electricity shall hereafter enter upon, acquire take or use, or shall deem it necessary to enter upon, acquire, take or use, any "real estate," as the term real estate is defined by this act, for the purpose of maintaining, preserving or increasing the supply of pure and wholesome water for the use of said city, or for the purpose of preventing the contamination or pollution of the same, as hereinbefore set forth, the said commissioner is authorized, for and in behalf, and in the name of The City of New York, in the manner hereinafter prescribed, to acquire all rights, titles, and interests in and to such real estate, by whomsoever the same may be held, enjoyed or claimed, and to pay for and extinguish all claims or damages on account of such rights, titles or interests, or growing out of such taking or using.

Definition of real estate.

Sec. 485. The term "real estate" as used in this chapter shall be construed to signify and embrace all uplands, lands under water, the water of any lake, pond or stream, all easements and hereditaments, corporeal or incorporeal, and every estate, interest and right, legal and equitable, in lands or water, or any privilege or easement, thereunder, including terms for years, and liens thereon by way of judgment, mortgages or otherwise, and also all claims for damage to such real estate. It shall also be construed to include all real estate (as the term is above defined) heretofore or hereafter acquired or used for railroad, highway or other public purpose, providing the persons or corporations owning such real estate, or claiming interests therein, shall be allowed the perpetual use, for such purposes, of the same or of such other real estate to be acquired for the purposes of this act as will afford practicable route or location for such railroad, highway or other public purpose, and in the case of a railroad commensurate with and adapted to its needs; and provided, also, that such persons, or corporations shall not directly or indirectly, be subject to expense, loss or damage by reason of changing such route or location, but that such expense, loss or damage shall be borne by the city. In case any real estate so acquired or used for public purposes is sought to be taken or affected for the purposes of this act, there shall be designated upon the maps referred to in this act and there shall be described in the petition referred to, such portion of the other real estate shown on said maps and described in said petition as it is proposed to substitute in place of the real estate then used for such railroad, highway or other public purposes. The supreme court, at the special term to which said petition is presented, or at such other special term as the consideration thereof may be noticed or adjourned to, shall either approve the substitute route or place or refer the same back to the said commissioners for alteration or amendment, and may refer the same back with such directions or suggestions as the said court may deem advisable, and as often as necessary, and until the said commissioner shall determine such substituted route or place as may be approved by the court; an appeal from any order made by said court at special term, under the provisions of this section, may be taken by any person or corporation interested in and aggrieved thereby, to appellate division of the judicial department in which the real estate is situated and shall be heard as a non-enumerated motion. The commissioners of appraisal herein referred to, in determining the compensation to be made to the persons or corporations owning such real estate, or claiming interest therein, shall include in the amount of such compensation such sum as shall be sufficient to defray the expenses of making such change of route and location and of building said railroad or highway. The said commissioners of appraisal shall suggest in their report, and the court, in the order confirming such report, shall determine, subject to review by the said appellate division, what reasonable time after payment of the awards to said persons or corporations shall be sufficient within which to complete the work of making such change, and the said City of New York or the commissioner of water supply, gas and electricity thereof shall not be entitled to take possession or interfere with the use, for the aforesaid purposes, of such real estate, before the expiration of such time. This time may be subsequently extended by the court (subject to review as aforesaid), upon sufficient cause shown. After the expiration of the time so determined or extended no use shall be made of said real estate which shall cause pollution to the water in said reservoir, or the construction of said reservoir, or interfere with its flow.

Commissioner to prepare maps.

Sec. 486. Whenever in the opinion of said commissioner it is necessary to acquire any such real estate (as the term "real estate" is herein defined), for any of the purposes hereinbefore set forth, or for the purpose of extinguishing any right, title or interest thereto or therein, the said commissioner, for and on behalf of The City of New York, shall prepare a map or maps of the real estate which in his opinion it is necessary to acquire for the purposes hereinbefore set forth, and shall submit the same to the board of estimate and apportionment, for approval. The said board may adopt, modify or reject such maps in whole or in part, and may require others to be made instead thereof. A copy of the map or maps so prepared, with a certificate of the adoption thereof, signed by the commissioner and the secretary of the board, shall be filed in the office of said commissioner and be open to public inspection, and shall be the map or maps of the real estate to be acquired, subject to such changes or modifications as the said commissioner may from time to time deem necessary for the more efficient carrying out of the provisions of this act. And the said board of estimate and apportionment, prior to the final adoption of such map or maps, shall afford to all persons interested a full opportunity to be heard respecting such map or maps and the acquisition of the real estate shown thereon, and shall give public notice of such hearing, by publishing a notice, once in each week, for three successive weeks in the City Record, and the corporation newspapers, and in two papers published in the county or counties in which the real estate to be acquired or affected is situated, and in two daily papers in The City of New York. At such hearing or hearings testimony may be produced by the parties appearing before it in such manner as said board may determine, and the mayor is hereby authorized to administer oaths and issue subpoenas in any such proceeding pending before it.—As amended by Laws of 1911, Chapter 675.

Power to enter upon lands for the purpose of making maps.

Sec. 487. The said commissioner, his agents, engineers, surveyors, and such other persons as may be necessary to enable him to perform his duties under this act, are hereby authorized to enter upon real estate, as the term real estate is defined in this act, and any land or water on or contiguous to the line, course, site or track of any pond, lake, stream, reservoir, dam, aqueduct, culverts, sluices, canals, bridges, tunnels, pumping works, blow-offs, shafts and other appurtenances, for the purpose of making surveys or examinations and preparing and posting the notices required by this act.

Details of maps.

Sec. 488. After the final adoption of said map or maps the said commissioner shall prepare six similar maps or plans of the proposed site of any dam, reservoir, aqueduct, sluice, culvert, canal, pumping works, bridges, tunnels, blow-offs, ventilating shafts and other necessary appurtenances for the proper completion of the work so proposed by him. Upon these maps there shall be laid out and numbered the various parcels of real estate, on, over or through which the same are to be constructed and maintained, or which may be necessary for the prosecution of the work authorized by this act. On said maps the natural and artificial division lines existing on the surface of the soil at the time of the survey shall be delineated, and there shall be plainly indicated thereon, of which parcels the fee or other interest is to be acquired. The said maps may be made and filed in sections. One or more sections may be determined before the maps of the whole construction are completed. The proceedings hereinafter authorized may, in like manner be taken separately, in reference to one or more of such sections, before the maps of the whole are filed. The work upon one or more of such sections may be begun before the maps of the remaining sections are filed. The map or maps when adopted by the said commissioners and board of estimate and apportionment shall be by said commissioner transmitted to the corporation counsel, with a certificate of approval written thereon and signed by the said commissioner and the mayor.

Maps to be filed.

Sec. 489. The corporation counsel shall cause one of said maps to be filed in the office of the clerk of each county in which any real estate laid out on said maps shall be located, except that in any county in which there may be a register's office, the said map shall be filed therein, instead of with the county clerk. The fourth, fifth and sixth maps shall be disposed of in the manner indicated in section four hundred and ninety-five of this act.

Corporation counsel to conduct proceedings.

Sec. 490. After the said maps shall have been filed, as provided for in the last section, the corporation counsel for and on behalf of The City of New York, shall, upon first giving the notice required in the next section of this title, apply to the supreme court, at a special term thereof to be held in the judicial district in which the real estate to be acquired or affected is situated, for the appointment of com-

missioners of appraisal. Upon such application he shall present to the court a petition, signed and verified by the said commissioner, according to the practice of said court, setting forth the action theretofore taken by said commissioner and board of estimate and apportionment and the filing of said map and praying for the appointment of such commissioners. Such petition shall contain a general description of all the real estate to, in or over which any title, interest, right or easement is sought to be acquired for the said city for the purposes of this act, each parcel being more particularly described by a reference to the number of said parcel, as given on said map; and the title, interest or easement sought to be acquired to, in or over such parcel, whether a fee or otherwise, shall be stated in the petition.

Notice to be given.

Sec. 491. The corporation counsel shall give notice in the City Record, and corporation newspapers, and in two public newspapers published in The City of New York, and in two public newspapers published in each county in which any real estate laid out on said maps may be located, of his intention to make application to the said court for the appointment of such commissioners of appraisal, which notice shall specify the time and place of such application, shall briefly state the object of the application, and shall describe the real estate sought to be taken of affected. A statement of the boundaries of the real estate to be acquired or affected, with separate enumerations of the numbers of the parcels to be taken, in fee, and of the numbers of the parcels in which any interest or easement is to be acquired, with reference to the date and place of filing the said map shall be sufficient description of the real estate sought to be so taken or affected. Such notice shall be published, once in each week, in each of said newspapers, for six weeks immediately previous to the presentation of such petition, and the corporation counsel shall in addition to the said advertisements, cause copies of the same, in hand bills, to be posted in at least twenty conspicuous places in the vicinity of the real estate so to be taken or affected, at least six weeks prior to said application.

Motion for appointment of commissioners of appraisal.

Sec. 492. At the time and place mentioned in said notice, unless the said court shall adjourn said application to a subsequent day, and in that event, at the time to which the same may be adjourned, the court, upon due proof of its satisfaction of the publication and posting aforesaid, and upon filing the said petition, shall make an order for the appointment of three disinterested and competent freeholders, one of whom shall reside in the county of New York, one of whom shall reside in the county in which the real estate acquired or affected is situated, and one of whom shall reside in the county in which the said real estate shall be situated, or in an adjoining county, as commissioners of appraisal to ascertain and appraise the compensation to be made to the owners and all persons interested in the real estate laid down on said maps, as proposed to be taken or affected for the purposes indicated in this act. Such order shall fix the time and place for the first meeting of the commissioners.

Commissioners to take and file oath.

Sec. 493. The said commissioners shall take and subscribe the oath required by the twelfth article of the constitution, and shall forthwith file the same in the office of the clerk of the county in which the real estate to be acquired or affected is situated, and shall file certified copies of said oath in the office of the register and county clerk of the county of New York

City to become seized of real estate.

Sec. 494. On filing the oath of the commissioners of appraisal, in the manner provided by the last section, the said City of New York shall be and become seized in fee of all those parcels of real estate which are shown on the said map hereinbefore referred to, of which it has been determined by the said commissioner, that the fee shall be acquired, and shall be entitled to take and hold such interest in the parcels of land in which it has been determined that the fee shall not be acquired, as has been shown on said map and described in said petition, and may immediately, upon the filing of such oaths and such certified copies, or at any time or times thereafter, take possession of the lands shown on said map, or any part or parts thereof, without any suit or proceeding at law for that purpose.

Proceedings of commissioners.

Sec. 495. Any one of said commissioners of appraisal may issue subpenas and administer oaths to witnesses; and they, or any of them, in the absence of the others, may adjourn the proceedings from time to time, in their discretion, but they shall continue to meet, from time to time, as may be necessary to hear, consider and determine upon all claims which may be presented to them under this act. In case of death, resignation, refusal, neglect or inability to serve, of any commissioner or commissioners of appraisal, the corporation counsel shall, upon due notice to be given by advertisement in the newspapers designated in this act ten days prior to such appliction, apply to the supreme court, at a special term thereof, to be held in the judicial district in which the real estate is situated, for the appointment of one or more commissioners to fill the vacancy or vacancies so occasioned. Whenever the commissioners meet, except by appointment of the court, or pursuant to adjournment, they shall cause reasonable notice to be given to the attorneys for such parties who have appeared. It shall be the duty of the commissioners of appraisal to procure from the corporation counsel the fourth, fifth and sixth copies of the maps provided for in this act. They shall view the real estate laid down on said maps, and shall hear the proofs and allegations of any owner, lessee or other person in any way entitled to, or interested in said estate, or any part or parcel thereof, and also such proofs and allegations as may be offered on behalf of The City of New York. They, or a majority of them, shall also determine the height to which the waters of any lake, pond or natural stream concerning which such proceedings were instituted may be raised and the point to which such waters may be drawn down by The City of New York, such determination to be made before any award of damages shall be made on account of such proposed raising or depressing of such waters, and they shall also determine what sum shall be paid to the general or special guardian or committee of an infant, idiot or person of unsound mind, and to the attorney appointed by the court to attend to the interests of any unknown owner or party in interest, or to the attorney or guardian of any party in interest whose interests are unknown or the interest of any person or persons not in being. They shall reduce the testimony, if any, taken, before them, to writing, and after the testimony is closed, they, or a majority of them, all having considered the same, and having an opportunity to be present, shall, without unnecessary delay, ascertain and determine the just compensation which ought justly to be made by The City of New York to the owners, or the persons interested in the real estate sought to be acquired or affected by said proceedings. The said commissioners of appraisal shall make reports of their proceedings to the supreme court, as in the next section provided, with the minutes of the testimony taken by them, if any, and they shall be entitled to the payment hereinafter provided for their services and expenses, to be paid from the fund herein provided

Commissioners to prepare report.

Sec. 496. The said commissioners shall prepare a report and a true copy or copies thereof, as may be required, to which shall be respectively annexed the fourth and fifth copies, and, if required, the sixth copy of the maps referred to in this act. The said report shall contain a brief description of the several parcels of real estate so taken or affected, with a reference to the map as showing the location and boundaries of each parcel; a statement of the sum estimated and determined upon by them as a just compensation to be made by the city to the owners of or persons entitled to or interested in each parcel so taken or affected, and a statement of the respective owners of or persons entitled thereto or interested therein; but in all and each and every case and cases where the owners and parties interested, or their respective estates or interests are unknown, or not fully known, to the commissioners of appraisal, it shall be sufficient for them to set forth and state, in general terms, the respective sums to be allowed and paid to the owners of and parties interested therein generally, without specifying the names or estates or interests of such owners or parties interested or any or either of them. They shall also recommend such sums as shall seem to them proper to be allowed to the parties or attorneys appearing before them, as costs, counsel fees, expenses and disbursements, including reasonable compensation for witnesses.

Report to be filed.

Sec. 497. Said report signed by the commissioners, or a majority of them, shall filed in the office of the clerk of the county in which the real estate is situated. The commissioners of appraisal shall notify the corporation counsel as soon as the said report is filed.

Notice of motion to confirm report.

Sec. 498. The corporation counsel, or in case of his neglect to do so within ten days after receiving notice of such filing, then any person interested in the proceedings, shall give notice that the said report will be presented for confirmation to the supreme court, at a special term thereof, to be held in the judicial district in which the real estate is situated, at a time and place to be specified in said notice. The said notice shall contain a statement of the time and place of the filing of the report, and shall be published in each of the newspapers referred to in section four hundred and ninety-one of this act, once in each week, for at least four weeks immediately prior to the presentation of said report for confirmation.

Confirmation of report.

Sec. 499. The application for the confirmation of the report shall be made to the supreme court, at a special term thereof, held in the judicial district in which the real estate is situated. Upon the hearing of the application for the confirmation thereof, the said court shall confirm such report, and make an order, containing a recital of the substance of the proceedings in the matter of the appraisal, with a general description of the real estate appraised, and for which compensation is to be made; and shall also direct to whom the money is to be paid, or in what trust company it shall be deposited by the comptroller of The City of New York. Such report when so confirmed shall (except in the case of an appeal, as provided in section five hundred and five of this act) be final and conclusive as well upon the said City of New York as upon the owners and all persons interested in or entitled to said real estate; and also upon all other persons whomsoever.

Payment of awards.

Sec. 500. The said City of New York shall, within four calendar months after the making and entry of the order confirming the report of the commissioners of appraisal, pay to the respective owners

and bodies, politic or corporate, mentioned or referred to in said report, in whose favor any sum or sums of money shall be estimated and reported by said commissioners, the respected sum or sums so estimated and reported in their favor respectively, with lawful interest thereon, from the date of filing the oath of said commissioners and certified copies thereof, as by this act required. And in case of neglect or default in the payment of the same within the time aforesaid, the respective person or persons, or bodies, politic or corporate, in whose favor the same shall be so reported, his, her or their executors, administrators, legal representatives or successors, at any time or times, after application first made by him, her or them to the comptroller of The City of New York for payment thereof, may sue for and recover the same, with lawful interest, as aforesaid, and the costs of suit in any proper form of action against the said City of New York in any court having cognizance thereof, and in which it shall be sufficient to declare generally for so much money due to the plaintiff or plaintiffs therein by virtue of this act, for real estate taken or affected for the purposes herein mentioned, and the report and order confirming report of said commissioners, with proof of the right and title of the plaintiff or plaintiffs to the sum or sums demanded shall be conclusive evidence in such suit or action, and entitle plaintiff to judgment therein.

Sum awarded to be deposited in certain cases.

Sec. 501. Whenever the owner or owners, person or persons interested in any real estate taken or affected in such proceedings, or in whose favor any such sum or sums or compensation shall be so reported, shall be under the age of twenty-one years, of unsound mind, or absent from the state of New York, and also in cases where the name or names of the owner or owners, person or persons interested in any such real estate shall not be set forth or mentioned in the said report, or where the said owner or owners, person or persons, being named therein cannot, upon diligent inquiry, be found or where there are adverse or conflicting claims to the money awarded as compensation, it shall be lawful for the said City of New York to pay the sum or sums mentioned in the said report, payable, or that would be coming to such owner or owners, person or persons, respectively, with interest aforesaid, into such trust company as the court may, in the order of confirmation, direct to the credit of such owner or owners, person or persons, and such payment shall be as valid and effectual, in all respects, as if made to the said owner or owners, person or persons interested therein respectively themselves, according to their just rights; and provided, also, that in all and each and every such case and cases where any such sum or sums, or compensation, reported by the commissioners in favor of any person or persons, or party or parties, whatsoever, whether named or not named in the said report, shall be paid to any person or persons, or party or parties, whomsoever, when the same shall of right belong and ought to have been paid to some other person or persons, or party or parties, it shall be lawful for the person or persons, or party or parties to whom the same ought to have been paid, to sue for and recover the same, with lawful interest and costs of suits, as so much money had and received to his, her or their use, by the person or persons, party or parties respectively to whom the same shall have been so paid.

Who may present claim before commissioner.

Sec. 502. Every owner or person in any way interested in any real estate taken, affected or entered upon and used and occupied for the purposes contemplated by this act, and any owner or person interested in real estate contiguous thereto, and which is affected by the acquisition, use or occupation of the real estate shown on said map, whether such contiguous real estate is shown on the maps or not, if he or they intend to make claim for compensation for such taking, entering upon, using or occupying, shall, within one year after the appointment of the commissioners of appraisal, exhibit to the said commissioner a statement of claim, and shall thereupon be entitled to offer testimony and to be heard before them touching such claim, and the compensation proper to be made, and to have a determination made by such commissioners of appraisal as to the amount of such compensation. Every person, corporation, or body politic, neglecting or refusing to present such claim within said time shall be deemed to have surrendered his, her or its title or interest in such real estate or his, her or its claim for damages thereto, except so far as they may be entitled, as such owner or person interested, to the whole or a part of the sum of money awarded by the commissioners of appraisal as a just compensation for taking, using and occupying, or as damages for affecting the real estate owned by said person, corporation, or body politic.

City protected by payment.

Sec. 503. Payment of the compensation awarded by said commissioners of appraisal to the person or persons, corporation, or body politic named in their report (if not infants or persons of unsound mind) shall, in the absence of notice to The City of New York of other claimants to such award, protect the said city of New York.

Separate reports may be made.

Sec. 504. Said commissioners of appraisal may, in their discretion, take up any specified claim or claims, and finally ascertain and determine the compensation to be made thereon, and make a separate report with reference thereto, annexing to said report a copy of so much of the maps as displays the parcel or parcels so reported on. Such report shall, as to the claims therein specified, be the report required in this act, and the subsequent action with reference thereto shall be had in the same manner as though no other claim was embraced in said proceeding, which, however, shall continue as to all claims upon which no such determination and report is made.

Proceedings in case of an appeal.

Sec. 505. Within twenty days after the making entry and service of the order confirming the report of the commissioners of appraisal, as provided for in this act, of which notice may, as to the parties who have not appeared before the commissioners, be given in the manner provided in this act, either party may appeal by notice, in writing, to the appelate division of the supreme court of the judicial department in which the real estate described in said petition and shown on said map is situated. Such appeal shall be heard, on due notice thereof being given, according to the rules and practice of the said court, and pending such appeal the Comptroller of The City of New York shall deposit in such trust company as the court shall direct, the amount of the award, with interest to the date of such deposit and the funds so deposited shall remain with the trust company, subject to the further order of the court. On the hearing of such appeal the court may direct a new appraisal and determination by the same or new commissioners, in its discretion, and either party if aggrieved, may take a further appeal, which shall be heard and determined by the court of appeals. In the case of a new appraisal the second report shall be final and conclusive on all partles and persons interested. If the amount of compensation to be made by the said city is increased by the second report, the difference shall be paid by the comptroller of The City of New York to the parties entitled to the same, or shall be deposited, as the court may direct; and if the amount is diminished, the difference shall be refunded to the said city of New York by the trust company. But the taking of an appeal by any person or persons shall not operate to stay the proceedings under this act, providing such award and interest have been deposited. Such appeal shall be heard upon the evidence taken and proceedings had before such commissioners.

How defects may be remedied.

Sec. 506. The supreme court of the judicial district in which the real estate is situated shall have power at any time to amend any defect or informality in any of the special proceedings authorized by this act as may be necessary, or to cause other property to be included therein, and to direct such further notices to be given to any party in interest, as it deems proper, and also to appoint other commissioners in place of any who shall die or refuse or neglect to serve, or be incapable of serving, or be removed. And the said court may, at any time remove any of said commissioners of appraisal who, in their judgment, shall be incapable of serving, or who shall, for any reason in their judgment be an unfit person to serve as such commissioner. The cause of such removal shall be specified in the order making the same. If, in any particular, it shall, at any time, be found necessary to amend any pleading, or proceeding, or to supply any defect therein, arising in the course of any special proceeding authorized by this act, the same may be amended or supplied in such manner as shall be directed by the supreme court, which is hereby authorized to make such amendment or correction.

Agreements with owners of real estate.

Sec. 507. The said commissioner of water supply, gas and electricity, subject to the approval of the board of estimate and apportionment, may agree with the owners or persons interested in any real estate laid down on said maps as to the amount of compensation to be paid to such owners or persons interested for the taking or using and occupying such real estate. And in case any such real estate shall be owned, occupied or enjoyed by the people of this state, or by any county, town or school district within this state, such rights, titles, interests or properties may be paid for upon agreement respectively with the commissioners of the land office, who shall act for the people of the state, with a chairman and a majority in numbers of the board of supervisors of any county, who shall act for such county, and with the supervisor and commissioners of highways in any town, who shall act for such town, and with the trustees of any school district, who shall act for such district, and with the president and a majority of the board of trustees of any incorporated village. The commissioners of the land office shall have power to grant to the said city any real estate belonging to the people of this state which may be required for the purposes indicated in this act, on such terms as may be agreed on between them and the said commissioners; and if any real estate of any county, town or school district is required by said city for the purposes of this act, the majority of the board of supervisors, acting for such county, or the supervisors of any such town, with the commissioners of highways therein, acting for such town, or the trustees of any school district, acting for such district, or the president and majority of trustees of any incorporated village, may grant or surrender such real estate for such compensation as may be agreed upon between such officers respectively and the said commissioners.

Compensation and expenses of commissioners.

Sec. 508. The commissioners of appraisal, appointed in pursuance of this act, shall receive as compensation for their services the sum of ten dollars per day for each day upon which the said commissioners shall be actually and neces-

sarily employed in the performance of the duties imposed upon them by this act. They may employ the necessary clerks and stenographers. The corporation counsel shall, either in person or by such counsel as he shall designate for the purpose, appear for and protect the interests of the city in all such proceedings in court and before the commissioners. The fees of the commissioners, and the salaries and compensation of their employes, and their necessary traveling expenses and all other necessary expenses in and about the special proceedings provided by this act, to be had for the acquiring title or extinguishing claims for damages to real estate, and such allowance for counsel fees, expenses and witness fees as may be recommended by the commissioners and ordered paid by order of the court, shall be paid by the comptroller of The City of New York, out of the funds hereinafter provided, when they have been taxed before a justice of the supreme court in the judicial district in which the real estate is situated, upon five days' notice to the corporation counsel.

Issue of bonds.

Sec. 509. The comptroller of The City of New York is hereby authorized and directed to raise, from time to time, on bonds of said city, in addition to the amounts which he is now authorized to raise for such purposes, such sums of money as shall be sufficient to pay for any real estate, or for the extinguishment of any right, title, or interest therein acquired, and all damages appraised to persons interested therein, together with all expenses necessarily incurred in acquiring title to such real estate, or in extinguishing claims for damages thereto, and for all other expenditures herein authorized.

Description of bonds.

Sec. 510. The bonds to be issued by the comptroller of The City of New York in pursuance of this title shall be called "Corporate stock of The City of New York," and shall be issued in the manner hereinbefore provided for the issue of corporate stock, subject, however, to the limitations of the state constitution. And the board of aldermen of said city is hereby authorized and directed to raise, from time to time, by tax upon the estates, real and personal, subject to taxation in The City of New York, the sum or sums of money which may be required to pay the interest on said bonds and to redeem them at maturity.

Jurisdiction of state board of health.

Sec. 511. Any lake or reservoir constructed or maintained under the provisions of this act shall be subject to such sanitary regulations as the state board of health shall prescribe.

Highways and bridges.

Sec. 512. The City of New York is hereby required to build and construct such highways and bridges as may be made necessary by the construction of any reservoir and to repair and forever maintain such additional bridges as may be made necessary by the construction of such reservoir or reservoirs.

Account of expenditure to be filed in comptroller's office.

Sec. 513. The said commissioner of water supply, gas and electricity shall, in every calendar month file in the office of the comptroller of The City of New York an account of all expenditures made by him, or under his authority, and of all liabilities incurred by him during the preceding month, and an abstract of each such account shall be published in the City Record.

Limit within which Lake Muhopac may not be drawn down.

Sec. 514. Nothing herein contained shall authorize or empower or permit any water in excess of the ordinary flow thereof to be drawn from Lake Mahopac, in the town of Carmel, Putnam county, between the first days of March and September in any year.

Present proceedings to be continued.

Sec. 515. All proceedings pending at the time this act takes effect for the acquisition of title to or the extinguishment of rights in real estate for any of the purposes in this title specified shall be continued and prosecuted to a conclusion according to the respective provisions of law under which said proceedings may have been begun, and as to all such proceedings this act shall not be deemed applicable.

Id.; corporation authorized to use ground under streets, etc.

Sec. 516. All persons acting under the authority of The City of New York shall have the right to use the ground or soil under any street, highway, or road within this state for the purpose of introducing water into The City of New York, on condition that they shall cause the surface of said street, highways or roads to be restored to its origiual state, and all damages done thereto shall be repaired.

Devolution of powers of former boards.

Sec. 517. For the purposes of this act all of the rights, powers, privileges, duties and obligations, heretofore created by law or otherwise, of the city of Brooklyn, or of any of its departments or officers respecting the water-works of said city are, so far as they are consistent with the provisions of this act, hereby vested in The City of New York, as constituted by this act, and as matter of administration devolved upon the commissioner of water supply, gas and electricity of The City of New York to be by him exercised in accordance with the provisions, directions and limitations of this act, and all of the rights, powers, privileges, duties and obligations of Long Island City, or of any or either of its departments or officers, or of any town, village or district in any of the territory hereby annexed to the corporation heretofore known as the mayor, aldermen and commonalty of The City of New York, and by this act consolidated into one city, in respect to any of the public water-works or the public water system, or the public water supply thereof; the sale and distribution of the same, are hereby vested in The City of New York, and for the purpose of administration are hereby devolved upon the said commissioner to be by him executed pursuant to the provisions, directions and limitations of this act.

Legal effect of act upon new aqueduct.

Sec. 518. Nothing in this act contained shall be deemed or construed to repeal, or in anywise affect chapter four hundred and ninety of the laws of eighteen hundred and eighty-three, or the several acts amendatory thereof, but the said act and its amendments shall remain in full force and effect, except as herein provided. The term of office of the commissioners appointed and existing under the aforesaid act shall cease and determine on the first day of June, nineteen hundred and ten, and from and after said date the office of aqueduct commissioner, and the aqueduct commission shall be and hereby is abolished, and thereupon all papers, documents and records in possession of the aqueduct commissioners shall be delivered to the commissioner of the department of water supply, gas and electricity, who shall have all the powers heretofore vested by law in the said aqueduct commissioners. All persons in the employ of the aqueduct commission when this act takes effect shall, upon the passage of this act, be transferred to and subject to the jurisdiction of the department of water supply, gas and electricity of The City of New York and all persons so transferred shall be subject to the provisions of the civil service law and the rules and regulations of the civil service commission of The City of New York in so far as said civil service law and said rules and regulations of said civil service commission apply to the said persons prior to the time of such transfer, as aforesaid.—As amended by Chapter 220, Laws 1910.

Commissioner to inspect electric lights; to cause tests to be made, etc.

Sec. 519. The said commissioner of water supply, gas and electricity shall cause inspection to be made of electric lights furnished to the city, and of electric meters and electric wiring, as such tests may be provided for by the proper appropriation; the said commissioner shall cause tests to be made of all meters in use in said city for measuring or ascertaining the quantity of electricity or steam furnished by any corporation or person in said city within one year after this act shall take effect; and thereafter no corporation or person shall furnish or put in use any electric or steam meter which shall not have been inspected, approved and sealed by the inspectors, and every such corporation or person shall provide and keep in or upon their premises a suitable and proper apparatus to be approved and sealed by the inspector for testing and proving accuracy of meters furnished for use by them. Whenever a meter shall be inspected the inspector shall attach thereto some seal, stamp or mark, with the inspector's name, the date of his inspection, and whether or not the meter is accurate. Meters in use shall be reinspected and tested on the written request of the consumer, or of the company, in the presence of the consumer, if desired. If any such meter on being tested shall be found defective or inaccurate to the prejudice or injury of the consumer, the necessary removal, inspection, correction and replacing of such meter shall be without expense to the consumer; but in all other cases, except where the change is beneficial to the company, he shall pay the reasonable expense of such inspection and the reinspection shall be stamped on the meter. Provided, however, that nothing herein contained shall be construed as requiring to be sealed, electrolytic or other electric meters, which in their construction or use are not susceptible of being sealed, nor the apparatus employed in taking the usual periodic readings therefrom; but all such meters shall, in all other respects, be tested and stamped in the manner provided herein for other meters; and every corporation using such electrolytic or other meter shall at all times admit the inspectors of meters at the meter department and reading rooms, and permit the inspection by him of all meters and of all the processes, methods and operations of measuring electric current consumed by it.

Laws repealed.

Sec. 520. The provisions of sections sixty-two, sixty-three and sixty-four of chapter forty of the general laws, known as the transportation corporations law, are hereby repealed in so far as they affect the inspection of electric meters within The City of New York.

Interest in manufacture of gas, etc., and certain acts by officers, etc., of department prohibited.

Sec. 521. No officer, agent or employee of the department of water supply, gas and electricity, shall in any way, directly or indirectly, be interested, pecuniarily, in the manufacture or sale of gas, or of electricity or steam, or of gas or electric or steam meters, or of any article or commodity used by gas or electric companies, or used for any purpose for the consumption of gas or of electricity, or steam, or in or with a gas or electric or steam company, and no such officer, agent, or employee shall give certificates or written opinions to a maker or vendor of any such article or commodity.

Inspection of illuminating gas; tests.

Sec. 522. Inspection of Illuminating

Gas; tests—The said commissioner of water supply, gas and electricity shall appoint inspectors who shall inspect and test the illuminating gas manufactured within The City of New York or furnished or sold to said city or to any consumer therein. The compensation of said inspectors shall be fixed by the board of estimate and apportionment and paid by the city. The gas manufactured, furnished or sold as aforesaid shall be tested with reference to illuminating power, pressure and purity, in a suitable manner and by proper apparatus at least once each day, and shall also be tested whenever the said commissioner shall direct. The inspectors shall report under oath the results of their tests to the said commissioner daily and the said commissioner shall file the said reports in his office and the same shall be public records.—As amended by Laws 1905, Chapter 735.

Commissioner to submit proposed ordinances relative to wires, etc.

Sec. 523. The said commissioner of water supply, gas and electricity shall from time to time submit for the consideration of the board of aldermen such proposed ordinances in regard to electric wires, appliances and currents for furnishing light, heat or power when introduced into or placed in any building in said city. Such proposed ordinances shall prescribe the method of construction, operation, location, arrangement, insulation and use of such wires, appliances and currents as said commissioner shall from time to time deem necessary for the protection of life and property.

Inspector of electric wiring; qualifications; all wires to be inspected; rules, notices, etc.; penalty for violation.

Sec. 524. Any inspector of electric wiring appointed in the department shall have a technical and practical knowledge of the construction and operation of electrical lines and appliances. After this act takes effect, the commissioner shall cause to be inspected all such wires, currents and appliances that may be introduced into or placed in any building in said city, and the said commissioner shall furnish a certificate of such inspection to any person or corporation applying therefor. All notices of the violation of any of the provisions of this section, or of any ordinances relating to said department, or any regulations, rules or orders made thereunder relating to electrical wires, currents or appliances, shall be issued and served in the manner provided in this act for the service of notices. The violation of any of the provisions of this section or of any of the said ordinances or any rules or regulations thereunder shall be deemed to be a violation of the building code of said city, and shall subject the person or corporation committing the same to the penalties prescribed herein for such violations.

Removal of electric wires.

Sec. 525. Whenever in the opinion of the board of estimate and apportionment it shall be practical to remove the electrical conductors above ground in any street, avenue, highway or public place of that part of The City of New York which lies within the boroughs of Manhattan and The Bronx, after the grade of said street, avenue or highway shall have been finally determined and established, and to place the same underground the commissioner of water supply, gas and electricity shall notify the owners or operators of the electrical conductors above ground that such electrical conductors must be removed within a certain time to be fixed by said commissioner, which time shall be sufficient for such removal, and in the case of a corporation duly authorized to lay and operate electrical conductors underground in such street, avenue, highway or public place, sufficient also for the proper laying of conductors underground in place of those removed. All electrical conductors authorized to be placed underground, shall be placed underground under and in accordance with the provisions of chapter seven hundred and sixteen of the laws of eighteen hundred and eighty-seven, chapter two hundred and thirty-one of the laws of eighteen hundred ninety-one, chapter two hundred and sixty-three of the laws of eighteen hundred and ninety-two, and the laws amendatory thereof and supplemental thereto. Whenever application shall be made to said commissioner of water supply, gas and electricity for permission to place underground electrical conductors in such street, avenue, highway or public place of that part of The City of New York which lies within the Boroughs of Manhattan and The Bronx, the subways therefor shall, if such permission be granted, be constructed or provided, and such electrical conductors placed underground under and in accordance with the provisions of said laws. But such permission shall be granted only in accordance with the provisions of said laws.

Underground electrical conductors.

Sec. 526. Whenever the said board of estimate and apportionment shall deem it desirable and practicable, after hearing all the parties interested, that the electrical conductors in any street, avenue, high way or public place of The City of New York, lying within the boroughs of Brooklyn, Queens and Richmond, be placed underground, the said commissioner of water supply, gas and electricity shall notify the owners or operators of the electrical conductors above ground in any such street, avenue, highway or public place, that said electrical conductors shall be placed underground within a certain time to be fixed by the said commissioner, which said time shall be sufficient for the proper construction of underground conduits or other channels in said street, avenue, highway or public place. Whenever any duly authorized company operating or intending to operate electrical conductors in any street, avenue, highway or public place in that part of The City of New York which lies within the boroughs of Brooklyn, Queens and Richmond, shall desire to place its conductors or any of them underground, it shall be obligatory upon such company to file with the said commissioner a map or maps made to a scale, showing the streets or avenues or other highways or public places, which are desired to be used for such purpose, and giving the general location, dimensions and course of the underground conduit desired to be construeted. Before any such conduit shall be constructed it shall be necessary to obtain the approval by said commissioner of said plan of construction so proposed by such company, and said commissioner shall have power to require that the work of removal and of constructing every such system of underground conductors shall be done according to such plan so approved.

Id.; procedure when board of estimate and apportionment determines upon.

Sec. 527. Whenever the commissioner of water supply, gas and electricity in accordance with the resolution of the board of estimate and apportionment shall notify the owners or operators of any electrical conductors in The City of New York, that said conductors shall be removed or placed underground within a certain time, the time within which said electrical conductors shall be placed underground shall be fixed by the said commissioner, giving all persons or corporations owning or operating such electrical conductors, an opportunity to be heard on the question of the time necessary to place said conductors underground, and after hearing the engineer of lighting and electricity, and such other expert opinion as the said commissioner may think advisable. Said owners or operators of electrical conductors above ground in such street or locality shall be required to remove all of said poles, wires or other electrical conductors and supporting fixtures or other devices from any such street or locality within thirty days after the expiration of the time so fixed by said commissioner.

Id.; permit necessary to take up pavement, etc.; commissioner of water supply, etc., to determine method of extension; board of aldermen may enact ordinances regulating use, etc.

Sec. 528. It shall be unlawful, after the passage of this act, for any person or corporation to take up the pavement of any of the streets, avenues, highways or other public places of said city, or to excavate for the purpose of laying underground any electrical conductors, of constructing subways, or of erecting poles, unless permission in writing therefor shall have been first obtained from the said commissioner of water supply, gas and electricity with the written approval of the president of the borough within which it is desired to lay such conduits, erect such poles, or to construct such subways. No electrical conductors shall be strung, laid or maintained above or below the surface of any street, avenue, highway or other public place, in any part of said city without permission in writing from said commissioner therefor. And the said commissioner shall determine whether any extension of the existing electrical conductors of any person or corporation in said city shall be by means of overhead or underground conductors. The board of aldermen may establish, and may from time to time enact general ordinances regulating the construction, maintenance, use and management of the electrical conductors, poles and fixtures above ground, and the conduits and subways therefor constructed underground.

The four preceding sections to be police regulations.

Sec. 529. The provisions of the four preceding sections of this act are made police regulations in and for The City of New York, and in case the several owners of said poles, wires or other electrical conductors, fixtures and devices shall not cause them to be removed from such streets or localities as required by said commissioner of water supply, gas and electricity or by the determination of the board of estimate and apportionment, or shall neglect or refuse to comply with any of the ordinances as herein provided, it shall be the duty of the said commissioner to cause the same to be removed from said streets, roads, avenues, lanes, parks and public places.

No Person to Operate Moving Picture Apparatus and Its Connections without a License.

(See Code of Ordinances Library.)

Sec. 529-a. It shall not be lawful for any person or persons to operate any moving picture apparatus and its connections in The City of New York unless such person or persons so operating such apparatus is duly licensed as hereinafter provided. Any person desiring to act as such operator shall make application for a license to so act to the commissioner of water supply, gas and electricity of The City of New York, who shall furnish to each applicant blank forms of application which the applicant shall fill out.

The commissioner of water supply, gas and electricity shall make rules and regulations governing the examination of applicants and the issuance of licenses and certificates.

The applicant shall be given a practical examination under the direction of the commissioner of water supply, gas and electricity, and if found competent as to his ability to operate moving picture apparatus and its connections shall receive within six days after such examination a license as herein provided. Such license may be revoked or suspended at any time by the commissioner of

water supply, gas and electricity. Every license shall continue in force for one year from the date of issue unless sooner revoked or suspended. Every license, unless revoked or suspended, as herein provided, may at the end of one year from the date of issue thereof, be renewed by the commissioner of water supply, gas and electricity in his discretion upon application and with or without further examination as said commissioner may direct. Every application for renewal of license must be made within the thirty days previous to the expiration of such license. With every license granted there shall be issued to every person obtaining such license a certificate, made by the commissioner of water supply, gas and electricity or such other officer as such commissioner may designate, certifying that the person named therein is duly authorized to operate moving picture apparatus and its connections. Such certificate shall be displayed in a conspicuous place in the room where the person to whom it is issued operates moving picture apparatus and its connections. No person shall be eligible to procure a license unless he shall be a citizen of the United States and of full age. Any person offending against the provisions of this section, as well as any person who employs or permits a person not licensed as herein provided to operate moving picture apparatus and its connections, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding the sum of one hundred dollars or imprisonment for a period not exceeding three months, or both, in the discretion of the court.—As Amended by Chapter 651, Laws 1910.

Separate contracts for lighting each borough; duty of commissioner.

Sec. 530. The commissioner of water supply, gas and electricity, under and in conformity to the ordinance regulating contracts shall prepare the terms and specifications under which contracts shall be made for lighting the streets, public buildings and parks of said city. Separate contracts shall be made for such lighting in each of the boroughs of The City of New York, or in such subdivisions of the city as may appear to the board of estimate and apportionment to be for the best interests of the city. The number, kind and location of lights to be furnished under each of said contracts shall be determined and prescribed by the said commissioner. Such bids shall be prepared and advertised for, and such contracts shall be executed in the manner prescribed for herein as to other contracts entered into by said city or the departments thereof. Contracts shall be made for the term of not exceeding one year, and shall be awarded to the lowest bidder, unless the board of estimate and apportionment shall determine that it is for the public interest that a bid other than the lowest should be accepted. Contracts made for a given borough or district shall include all lights of a given kind used by said city in said borough or district then ordered or thereafter to be ordered by said commissioner during the term of said contract. But no bid shall be entertained unless the said commissioner shall be satisfied that the party or parties bidding are possessed of sufficient plant to carry out the provisions of the contract.

Maps, etc., to be turned over to commissioner.

Sec. 531. The commissioner of public buildings, lighting and supplies, as constituted by chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, is hereby required and directed to turn over and deliver to the commissioner of water supply, gas and electricity, on the first day of January, nineteen hundred and two, all maps, plans, models, books and papers and all official records and papers of every kind in his possession relating to the construction and location of electrical conductors, conduits or subways, filed with or communicated to said commissioner.

Acquisition of lands and water rights and the use of waters in Putnam County.

Sec. 532. The City of New York shall not acquire by condemnation any property or factory in Putnam county which has been used for twenty-five years for the manufacture of food products; nor acquire by condemnation any lands, easements, streams or water, or water rights, on the east branch of the Croton river, below the village of Brewster in the town of Southeast, Putnam county, for the construction of any reservoir, in which water will or may be impounded at a higher level than three hundred and ten feet above tide water at New York City. Whenever the waters of natural lakes in Putnam county have been or are acquired by The City of New York, or reservoirs have been or are constructed, the residents of said county shall have the right of boating and fishing in said lakes and reservoirs and of taking ice therefrom, subject to such regulations as the commissioner of water supply, gas and electricity of The City of New York may from time to time make to preserve the purity of the water of such lakes and reservoirs and to prevent nuisances. Any village or town in the county of Putnam, or a corporation, or person or persons authorized by or in pursuance of law to establish therein a water-works system for supplying such village or town and the inhabitants thereof with water, may connect its or their water mains or pipes with the lakes, streams, reservoirs, aqueducts, water pipes and conduits of The City of New York now or hereafter located in such county, and take water therefrom for supplying such village or town and the inhabitants thereof with water. Such connections shall be made in the manner agreed upon between the authorities of such village or town, or such corporation, person or persons, and the commissioner of water supply, gas and electricity of The City of New York, or as directed by a special term of the Supreme Court held in the second judicial district, upon application made in behalf of such town, village, corporation, person or persons. The amount of water that may be drawn shall not exceed the proportionate amount that is used by The City of New York, the proportion being calculated according to the number of inhabitants respectively of the said city, village or town as shown by the last preceding census of the United States. The amount to be paid by The City of New York for water so supplied shall be agreed upon between the board of estimate and apportionment of The City of New York and the authorities of such village or town, or such corporation, person or persons, or fixed and determined by a special term of the Supreme Court held in the second judicial district upon application made in behalf of such town, village, corporation, person or persons.—Added by Laws 1905, chapter 726.

TITLE 3.

DEPARTMENT OF STREET CLEANING.

Commissioner, appointment and salary.

Sec. 533. The head of the department of street cleaning shall be called the commissioner of street cleaning. He shall be appointed by the mayor and shall hold office as provided in chapter four of this act. His salary shall be seven thousand five hundred dollars a year. The main office of the department shall be located in the borough of Manhattan. Branch offices may be located in the boroughs of Brooklyn and The Bronx.

Commissioner of Street Cleaning; Jurisdiction.

Sec. 534. The commissioner of street cleaning shall have cognizance and control:

1. Of the sweeping and cleaning, sprinkling, flushing or washing and sanding of the streets of the boroughs of Manhattan, the Bronx and Brooklyn, and of the removal, or other disposition as often as the public health and the use of the streets may require, of ashes, street sweepings, garbage, and other light refuse and rubbish, and of the removal of snow and ice from leading thoroughfares and from such other streets within said boroughs as may be found practicable; and, as necessary, shall furnish scows or other suitable receptacles to remove or otherwise dispose of, and shall remove or otherwise dispose of all ashes from the docks of Blackwell's and Randall's Islands.

2. Of the framing of regulations controlling the use of sidewalks and gutters by abutting owners and occupants for the disposition of sweepings, refuse, garbage or light rubbish, within such boroughs, which, when so framed, and approved by the board of aldermen shall be published in like manner as city ordinances, and shall be enforced by the police department in the same manner and to the same extent as such ordinances.—As amended by Laws of 1911, Chapter 680.

Streets; what streets and wharves not included.

Sec. 535. The term streets as used in this title shall not be deemed to include such macadamized streets as are within any park or are under the control or management of the department of parks, nor such wharves, piers and bulkheads or slips and parts of streets and places as are by law committed to the custody and control of the department of docks and ferries.

Street cleaning department; members of; clerical and uniformed forces.

Sec. 536. The members of the department of street cleaning shall be divided into two general classes, to be designated, respectively, the clerical force and the uniformed force. The clerical force shall consist of a chief clerk, medical examiners, not exceeding three in number, and such and so many clerks and messengers as the commissioner of street cleaning shall deem necessary. The uniformed force shall be appointed by the commissioner of street cleaning, and shall consist of one general superintendent, one assistant superintendent, one superintendent of final disposition, one assistant superintendent of final disposition, district superintendents, not exceeding twenty-one in number; time collectors, not exceeding eight in number; section foremen, not exceeding one hundred and twenty-five in number; dump inspectors, not exceeding forty-three in number; assistant dump inspectors, not exceeding forty-three in number; sweepers, not exceeding thirty-one hundred in number; dump boardmen, not exceeding forty-three in number; drivers, not exceeding sixteen hundred in number; stable foremen, not exceeding twenty-one in number; assistant stable foremen, not exceeding twenty-one in number; hostlers, not exceeding one head hostler to each stable and additional hostlers not exceeding one for each ten horses; a master mechanic and such and so many mechanics and helpers as may be necessary. The commissioner of street cleaning shall have power and is hereby authorized to increase the said uniformed force, from time to time, by adding to the number of sweepers, drivers and hostlers, provided the board of estimate and apportionment and the board of aldermen shall have previously made an appropriation for the purpose of permitting such increase. The annual salaries and compensations of the members of the uniformed force of the department of street cleaning shall not exceed the following: Of the general superintendent, three thousand dollars; of the assistant superintendent, two thousand five hundred dollars; of

the master mechanic, one thousand eight hundred dollars; of the superintendent of final disposition, two thousand dollars; of the assistant superintendent of final disposition, one thousand five hundred dollars; of the district superintendents, one thousand eight hundred dollars each; of the time collectors, one thousand two hundred dollars each; of the section foremen, one thousand two hundred dollars each; of sweepers or drivers acting as assistants to the section or stable foremen, nine hundred dollars each; of the dump inspectors, one thousand two hundred dollars each; of the assistant dump inspectors, nine hundred dollars each; of the dump boardmen, seven hundred and twenty dollars each; of the sweepers, seven hundred and twenty dollars each; of the drivers, seven hundred and twenty dollars each; of the stable foremen, one thousand three hundred dollars each; of the assistant stable foremen, one thousand dollars each; of the hostlers, seven hundred and twenty dollars each. Hostlers may receive extra pay for Sundays if an appropriation therefor is made by the board of estimate and apportionment. The members of the department of street cleaning shall be employed at all such times and during such hours and upon such duties as the commissioner of street cleaning shall direct for the purpose of an effective performance of the work devolving upon the said department. In case of a snowfall or other emergency, the commissioner of street cleaning or the deputy commissioner may hire and employ temporarily such and so many men, carts and horses as shall be rendered necessary by such emergency, forthwith reporting such action with the full particulars thereof to the mayor, but no man, cart or horse shall be so hired or employed for a longer period than three days, except that any person registered or eligible to appointment as a driver, or as a sweeper, may be temporarily employed at any time as an extra driver or sweeper to fill the place of a driver or sweeper who is suspended or temporarily absent from duty from any cause. The rate of compensation for such extra drivers of sweepers shall be two dollars per day, and the driver or sweeper whose place is so filled shall not receive any compensation for the time during which he is so absent from duty or his place is so filled, unless such injury or illness was caused by service in the department. The services of any person employed, and of carts and horses hired pursuant to this section, shall be paid for in full and directly by the department of street cleaning, at such times as may be prescribed by such department; and they, and each of them, shall be employed and hired directly by the department of street cleaning and not through contractors or other persons, unless the commissioner himself shall determine that this requirement must for proper action in a particular instance be dispensed with. Nothing herein contained shall affect any existing contracts made with or by the department of street cleaning in regard to the cleaning of Broadway below Fourteenth street in said city or the renewal thereof, if deemed best by the commissioner of said department. Neither the commissioner of street cleaning, nor any deputy commissioner of street cleaning, nor any member of the uniformed force of the street cleaning department, shall be permitted to contribute any moneys, directly or indirectly, to any political fund, or intended to affect legislation for or on behalf of the street cleaning department or any member thereof.

Id.; removal of members of clerical and uniformed forces.

Sec. 537. No member of the clerical or uniformed force of the department of street cleaning shall be removed until he has been informed of the cause of the proposed removal and has been allowed an opportunity of making an explanation and in every case of removal the true grounds thereof shall be entered upon the records of the department. The commissioner of street cleaning shall have power, in his discretion, on evidence satisfactory to him that a member of the uniformed force has been guilty of any legal or criminal offense or neglect of duty, violation of rules, or neglect or disobedience of orders, or incapacity, or absence without leave, or conduct injurious to the public peace or welfare, or immoral conduct, or any breach of discipline, to punish the offending party by forfeiting or withholding pay for a specified time, suspension without pay during such suspension for a period not exceeding thirty days, or by dismissal from the force, but no more than thirty days' pay or salary shall be forfeited or deducted for any offense. The said commissioner is also authorized and empowered, in his discretion, to deduct and withhold pay, salary or compensation from any member or members of the force for and on account of absence for any cause without leave. All fines imposed and pay deducted or withheld under the provisions of this section, shall be retained by the comptroller to the credit of the apportionment for the department of street cleaning, and shall be applicable, in the discretion of the commissioner of street cleaning, to any of the purposes of said department as if originally appropriated therefor. Absence without leave of any member of the uniformed force for five consecutive days shall be deemed and held to be a resignation, and the member so absent shall at the expiration of said period cease to be a member of said force and may be dismissed therefrom without notice. No leave of absence exceeding twenty days in any one year shall be granted or allowed to any member of the uniformed force, except upon condition that such member shall waive or release not less than one-half of all salary, pay or compensation and claim thereto or any part thereof during such absence. The said commissioner of street cleaning is hereby authorized and empowered, from time to time, to make, adopt, enforce rules, orders and regulations conformable to the provisions of this act for the government, administration, discipline and disposition of the said department and of the members thereof, and to prescribe and define the duties of each member. When and as soon as a member of the uniformed force has been fined, suspended, or dismissed the true cause for such fine, suspension or dismissal shall be entered in writing in a book to be kept for that purpose by the commissioner of street cleaning, which book shall be a public record. A copy of the rules and regulations or of any or either of them of the said commissioner adopted by him may, when certified by him or by his deputy, be given in evidence upon any trial, investigation, hearing or proceeding in any court or before any tribunal, commissioner or commissioners, board or competent body, with the same force and effect as the original. In the event of the removal of any member of the clerical or uniformed force, he shall have the right to sue for a writ certiorari or other appropriate remedy for the purposes of reviewing the action of the commissioner or his deputy, and, upon being successful upon such proceeding, he shall be entitled to be re-instated and to receive full pay during the time of his suspension or removal from office.

Members of department not liable to military or jury duty.

Sec. 538. No person holding any office or position under the department of street cleaning shall be liable to military or jury duty.

Division of streets into districts; allotment of sweepers.

Sec. 539. All the paved avenues, streets, lanes, alleys and places in said city which the department of street cleaning is by this act charged with the duty of cleaning, shall be cleaned and kept clean by hand labor, and for that purpose each sweeper shall provide himself with such tools and implements as the commissioner of street cleaning shall prescribe, and to each sweeper shall be alloted a fixed area of street surface according to the character of the locality; of which allotment a record shall be kept in the department of street cleaning and shall be a public record, but nothing in this section contained shall be deemed to prevent the commissioner of street cleaning from causing the labor of the sweepers to be supplemented by the use of sweeping and flushing or washing machines in such streets and avenues as to him may seem proper. It shall be the duty of the commissioner of street cleaning to divide the city into a suitable number of districts, not exceeding twenty-one, each of which shall be under the charge and supervision of a district superintendent who shall be directly responsible to the general superintendent, and also to the commissioner of street cleaning for the cleanliness of his district. Each of said districts shall be by said commissioner subdivided into sections in charge of foremen responsible to the district superintendent, as well as to the general superintendent, and to the commissioner of street cleaning for the cleanliness of his section. It shall be the duty of said commissioner of street cleaning to make such allotment and designation of the area to be covered, and the duties to be performed by the uniformed force, that each member thereof, except the general superintendent and his assistant shall have one particular district or section in which to perform all the work to which he is allotted. But nothing herein contained shall be so construed as to prevent the commissioner of street cleaning from transferring, at his discretion, members of the uniformed force, from one district or section to another, nor from temporarily employing all or any number of said uniformed force in a particular street or streets, section or sections.—As amended by Laws 1900, Chapter 397.

Department of docks; to keep wharves, etc., clean.

Sec. 540. The department of docks shall have power and authority and it is hereby made its duty to cause the wharves, piers, bulkheads, heads of slips, and portions of any streets and places by law committed to the custody and control of said department of docks, to be thoroughly clean and kept clean at all times; and to remove from said wharves, piers, bulkheads, heads of slips and portions of streets, and to dispose of all sweepings, ashes and garbage. And for the purpose of disposing of the sweepings and other refuse removed by said department of docks, the said department of docks shall have the right and is hereby authorized to use concurrently with the said department of street cleaning, such dumping boards, slips and piers as may be assigned to and set apart for the use of said department of street cleaning, and all contracts made by the commissioner of street cleaning under this act for the removal of ashes and garbage and sweepings shall provide for the removal of such ashes, garbage and sweepings, as may be required to be removed by such department of docks.

Commissioner of street cleaning; power to obtain plant, supplies, etc.

Sec. 541. The said commissioner of street cleaning shall have power, and it shall be his duty, to purchase or hire from time to time for his use as such commissioner, at current prices, such and so many horses, carts, steam tugs, scows, boats, vessels, machines, tools and other property as may be required for the economical and effectual performance of his aforesaid duty or to contract for the construction of any such tugs, scows, boats, vessels, carts, machines, tools or other property; or for the sweeping, cleaning, sanding, sprinkling and flushing or washing of streets and the removal of streets sweepings, and also to contract for the cremation, utilization or burning of street sweepings,

refuse and garbage; or for the melting or removal of snow upon or from any streets or avenues or parts thereof. The title to property so purchased or constructed shall he in The City of New York. All such hiring, or purchases, or contracts, however, exceeding one thousand dollars in amount at any one hiring or purchase, shall be let by contract to the lowest bidder therefor, founded on sealed bids or proposals made in compliance with public notice advertised in the City Record; such notice to be published at least ten days prior to the opening of such proposals or bids. Provided, that nothing herein contained shall prevent said commissioner, whenever it shall be necessary, to hire such horses, carts, boats, steam tugs, scows, vessels, machines, or tools for a day or trip, and for successive days or trips, without advertising of contract founded on sealed proposals or bids, at compensation by the day or trip, notwithstanding the aggregate compensation for such successive days or trips may exceed said sum of one thousand dollars. The said commissioner is hereby authorized, whenever and as often as, in his opinion, the public interests shall require, to reject all bids or proposals received in answer to any such advertisement, and to re-advertise for bids and proposals as hereinafter provided. Whenever the said commissioner shall deem it necessary, he shall and is hereby authorized to sell, at public auction, any plant, material, horses, carts, scows or other property, used in any way in connection with the work of cleaning streets; but before any such sales shall he made a notice thereof stating the time and place of sale shall be published in the City Record and corporation newspapers for at least ten days immediately preceding such sale, and the proceeds arising from such sale, after deducting the necessary expenses thereof, shall he paid into the city treasury to the credit of the general fund for the reduction of taxation. The said commissioner is hereby authorized, with the consent and approval of the board of sinking fund commissioners, to hire or lease for periods not exceeding ten years suitable and sufficent offices for the transaction of the business under his charge, and also such stables and other buildings or parts of buildings or plot of ground as may, from time to time, be necessary. All carts used by said department of street cleaning shall be of such size, form and construction as to prevent escape during transit of dust, or of any refuse carried therein.—As amended by Laws 1909, Chapter 397.

Power to contract for flushing streets.

Sec. 541-a. The commissioner of street cleaning shall have power and is hereby authorized to enter into a contract or contracts for cleaning, sprinkling, sanding and flushing or washing with machines the public streets, avenues, highways, boulevards, squares, lanes, alleys and other public places in The City of New York for a period of not more than five years, terminable at any time by said commissioner after three years on three months notice. And the department of water supply, gas and electricity, whenever the head of said department shall he of the opinion that there is a sufficient supply of water for this purpose, is hereby authorized to permit said commissioner of street cleaning and the person or persons to whom said contract or contracts may be awarded, to use as much water as may be necessary for the said purpose of flushing or washing the street, avenues, highways, boulevards, squares, lanes, alleys and other public places of the city; provided always, however, that every such contractor shall be required to pay to The City of New York, through the department of water supply, gas and electricity, at its own cost and expense at current rates for the use of such water. The comptroller of The City of New York is hereby authorized, under the direction and authority of the hoard of estimate and apportionment, to issue special revenue bonds to the amount required to carry into effect the provisions of the said contracts when awarded as authorized under this section and in the manner provided in section five hundred and forty-one of this act.—Added by Laws of 1909, Chapter 397.

Piers, Docks, Slips, Et Cetera, for Use of Department and Public; Removal of Refuse.

Sec. 542. 1. The department, bureau or city officer, authority or authorities, which shall from time to time have the management and control of the public docks, piers and slips of the city, shall designate and set apart for the use of said commissioner and for the borough presidents of the boroughs of Queens and Richmond, suitable and sufficient slips, piers and berths in slips, located as the said commissioner or borough presidents may require, and such as shall be convenient and necessary for his or their use in executing the duty hereby imposed upon them, or either of them, excepting slips, docks and piers on the East river set apart for the use of canal boats. The said commissioner or borough president may, with the approval, in writing, of the board of estimate and apportionment, lease piers, slips or wharves for the necessary purposes of the duties by this act conferred upon them, or either of them, whenever suitable piers, slips or wharves owned by or under the control of the city cannot be obtained or are not set apart and designated as in this section provided.

The commissioner of street cleaning and the presidents of the boroughs of Queens and Richmond are hereby empowered to issue permits for the disposal of garbage, ashes, rubbish, street sweepings and other wastes on such terms and conditions as they shall prescribe, to any person, firm or corporation and to other public departments, boards, bodies or officers, to use the dumping boards, transfer stations, disposal works and other property so designated, set apart or leased. They shall also have the power to make rules and regulations governing the use of said dumping boards, transfer stations, disposal works and other property in his or their control; and said permits may be revoked by them at pleasure.

The commissioner of street cleaning and the presidents of the boroughs of Queens and Richmond may require any person, firm or corporation desiring to deposit garbage, ashes, rubbish, street sweepings or waste of any kind, at the said dumping boards, transfer stations, disposal works or other property controlled by the department or office, to pay for the removal and disposal of said garbage, ashes, rubbish, street sweepings or waste of any kind, at the rates fixed by the board of estimate and apportionment. The commissioner of street cleaning and the presidents of the boroughs of Queens and Richmond are also empowered to collect, remove and dispose of garbage, ashes, rubbish, street sweepings, and all wastes, including trade waste from business, industrial, manufacturing, or other establishments conducted for profit, and to charge for such collection, removal and disposal at the rates fixed by the board of estimate and apportionment.

2. All moneys received by the city pursuant to the provisions of this section shall be paid to the general fund. [As amended by Chap. 500, Laws of 1915]

Uniform, badges, etc., of uniformed force.

Sec. 543. The commissioner of street cleaning is hereby authorized and directed, from time to time, to prescribe distinctive uniforms, badges and insignia to be worn and displayed by the several members of the uniformed force of said department and to prescribe and enforce penalties for the failure to wear and exhibit the same by any member of said force while engaged in the work of the department.

Special contracts for disposition of sweepings, ashes, garbage, etc.

Sec. 544. Said commissioner shall have power to enter into contracts with responsible persons and parties for the final disposition, for periods not exceeding five years, of all or any part of the said street sweepings, ashes, or garbage, and such other light refuse or rubbish when collected; provided always that such contract shall be approved both as to terms and conditions by the board of estimate and apportionment. All contracts shall be entered into on behalf of the city by the commissioners with adequate security. He shall advertise for proposals in such newspapers in the city as he may designate, not exceeding three in number, for ten days, to perform the work in such form and manner and on such terms and conditions as he may prescribe. Such proposals may be for the performance of all or such part or portion of the work as he shall require. Each proposal must be accompanied by a certified check on a solvent banking corporation in the city, payable to the order of the comptroller for five per centum of the amount for which the work bid for is proposed in any one year to be performed. From the proposals so received he may select the bid or bids, the acceptance of which will, in his judgment, best secure the efficient performance of the work, or he may reject any or all of said bids. On the acceptance of any bid by him, the checks of the unaccepted bidders shall be returned to them, and upon the execution of the contract the check of the accepted bidder shall be returned to him. The surety or sureties upon all contracts hereby authorized shall be approved by the comptroller, and all contracts and bonds securing the same shall be approved as to form by the counsel to the corporation. The terms and conditions of all contracts for street sweeping and cleaning, or for the collection of ashes and garbage, shall, before they are entered into, be approved by the board of estimate and apportionment.

Proceedings for removal of trucks, etc., from streets, regulated.

(See Code of Ordinances Library.)

Sec. 545. It shall be the duty of the commissioner of street cleaning to remove, or cause to be removed, all unharnessed trucks, carts, wagons and vehicles of any description, found in any public street or place, and also all boxes, barrels, bales of merchandise and other movable property found upon any public street, or place, not including, however, any portion of marginal street, or place, or wharf which, by the provision of any law or statute, is committed to the custody and control of the department of docks. The said commissioner of street cleaning is hereby authorized, with the consent and approval of the board of sinking fund commissioners, to lease a suitable yard or yards to which trucks, carts, wagons and vehicles, boxes, bales, barrels and other things, removed under the authority of this section, shall be taken, and the said commissioner shall, from time to time, so often as he shall deem necessary, sell, or cause to be sold, as hereinafter provided at public auction, at such yard or yards, the said trucks, carts, wagons, vehicles, boxes, barrels and other things so removed. Whenever the said commissioner or deputy commissioner shall have removed or caused to be removed any such trucks, carts, wagons, vehicles, boxes, barrels, bales or other things, and shall deem it necessary to sell them, and before making the sale thereof, he shall file with a justice of the municipal court of The City of New York, a written petition, verified by oath, setting forth the

facts which bring the case within this section, together with a brief description of each of the trucks, carts, wagons, vehicles, boxes, barrels or other things so removed in his custody and possession as street cleaning commissioner at the time of filing such petition, stating either the name of the owner or that his name is not known to the said petitioners, and cannot be ascertained with reasonable diligence, and praying for a final order, directing the sale of the property so seized or removed, and the application of the proceeds thereof, as herein prescribed; and, upon the presentation of said petition the justice must issue a precept under his hand, directed to the persons whose names appear in the said petition as owners, if stated in the petition, or if not stated, directed generally to all persons having any interest in the property so seized and removed, and briefly reciting in substance the other facts stated in the petition and requiring the person or persons to whom the precept is directed to show cause before a justice at a time and place specfied therein, not less than ten nor more than twenty days after the issuing of the precept, why the prayer of the petition should not be granted. The said precept shall be served by posting a copy thereof in at least two public and conspicuous places in said city, one of which shall be the office of the said commissioner of street cleaning, and the second of which shall be the yard to which the property shall have been removed, and a copy of which precept shall be so posted within three days after the precept shall have been issued, and a brief abstract of said precept shall be published in the City Record and corporation newspapers within five days after the issue, and not later than three days before the return day mentioned in the precept. At the time and place when the precept is returnable, the said commissioner or deputy commissioner must furnished proof of the service of said precept as herein prescribed and any person named in the petition and precept or otherwise, having an interest in the property seized, may appear on the return day of the said precept and make himself a party to the proceeding by filing a written answer, subscribed by him or his attorney, and verified by the oath of the person subscribing it, denying absolutely, or upon information and belief, one or more material allegations in the petition, and setting forth his interest in the property seized. The subsequent proceedings before the justice shall be the same as in an action in the municipal court where an issue of fact has been joined, and if the decision of the justice is in favor of the petitioner, the justice must make a final order, the same as though no appearance or trial were had, except to recite the appearance and trial before him. If no person appears and answers, the justice shall make a final order directed to the commissioner of street cleaning, commanding him to sell, at public auction, all of the property seized and described in the petition, at the yard to which said property was removed, for the best price which he can obtain therefor. Before making any such sale the said commissioner or deputy commissioner shall give public notice in the City Record and corporation papers, as by this act prescribed, not later than three days before the day of such sale, and such notice of sale shall specify the time and place of such sale, and shall contain a general description of the property to be sold, but no particular description of any article shall be contained therein. The sale shall be made at the time and place specified in said notice of sale by the commissioner or deputy commissioner, or by an auctioneer, designated for such sale said the commissioner. Immediately after such sale, the commissioner of street cleaning shall pay to the comptroller the proceeds of such condemnation and sale and shall, at the same time, transmit to the comptroller an itemized statement of the articles sold, with the price received for each article and a certificate of the costs and expenses incurred by the said commissioner in making such condemnation and sales. The comptroller shall credit and add to the appropriation for the department of street cleaning from the proceeds of such sale the amount of said costs and expenses of such condemnation and sales as hereinbefore provided, and in addition thereto, such an amount for each incumbrance seized or taken, condemned and sold, as hereinbefore provided, not to exceed ten dollars, as may be estimated and fixed by the commissioner of street cleaning as necessary to pay the cost of seizing, removing and keeping or storing such encumbrances; and the remainder of the moneys realized from such sale shall be paid, without interest, to the lawful owners of the several articles sold. Any payment to a person apparently entitled thereto, under the provisions of this section, shall be a good defeuse to the city against any other person claiming to be entitled to such payment, but if the person to whom such payment is made is not in fact entitled thereto, it shall be lawful for the person or persons to whom the same ought to have been paid to recover the same, with interest and costs of suit, as so much money had and received to his, her or their use by the person or persons to whom the same shall have been paid. The owner of any truck, cart, wagon, vehicle, box, barrel, bale or other thing removed from any public street or place under the provisions of this section, may redeem his property at any time after its removal upon payment to the commissioner of street cleaning of such sum as he may fix, not to exceed ten dollars for each article redeemed. The sum thus paid shall be immediately transmitted to the comptroller, and by him added and credited to the appropriation for the department of street cleaning under the provisions of this act, and may be used by the commissioner for any of the purposes of said department, as if originally included in the appropriation thereof, by the board of estimate and apportionment. Nothing in this section contained shall be deemed to authorize the summary removal of materials for any public work or improvement in course of construction.

Limitation of amount of expense for street cleaning; bonds to be issued by comptroller for purchase of plant.

Sec. 546. In no case, except as in this section provided, shall the amount expended by the commissioner of street cleaning or the presidents of the boroughs of Queens and Richmond exceed the amount appropriated for the said department or boroughs by the board of estimate and apportionment and the board of aldermen, but, for the more effectual carrying out of the provisions of this act, the said commissioner of street cleaning and said borough presidents may, with the approval of the board of estimate and apportionment, purchase or construct stock or plant, including houses, dumping boards or places or buildings or structures necessary for any purpose pertaining to the business of street cleaning of durable character inteuded to be used for a term of years, to be paid for by the issue and sale of bonds. If the necessary cost of removing snow or ice from the streets and avenues shall, in any one year, exceed the amount appropriated therefor, the board of estimate and apportionment may authorize such additional expenditure as may be required for the removal of such snow or ice to be paid out of any unexpended balance of the appropriation made for the purposes of said department; and the comptroller shall raise the amount of such additional expenditure by the issue and sale of revenue bonds, and shall place the amount so raised to the credit of the department of street cleaning, or of said borough presidents, as the same may have been apportioned by the board of estimate and apportionment to supply the amount of deficiency occasioned by such additional expenditure.

Devolution of powers of former boards.

Sec. 547. All the powers and duties conferred upon the corporation heretofore known as the mayor, aldermen and commonalty of the city of New York, or upon any board or officer thereof, or upon the corporation known as the city of Brooklyn, or upon any board or officer thereof, or upon the corporation known as Long Island City, or upon any board or officer thereof, and upon any other municipal corporation, town or village, within the county of Richmond, or within so much of the territory of the county of Queens as is by this act annexed to the municipal corporation known as the mayor, aldermen and commonalty of the city of New York, and consolidated into the municipality known as the city of New York, relating in any way to the sweeping and the cleaning, sprinkling, sanding and flushing or washing the streets, avenues, highways, boulevards, squares, lanes, alleys and other public places of the city, and of the removal, or other disposition as often as the public health and the use of streets may require, of ashes, street sweepings, garbage and other light refuse and rubbish, and of the removal of snow and ice from leading thoroughfares and from such other streets as may be found practicable of the removal of incumbrances; of the issue of permits to builders and others to use the streets, avenues, highways, boulevards, squares and public places, but not to open them; of the framing of regulations controlling the use of sidewalks and gutters by abutting owners and occupants for the disposition of sweepings, refuse, garbage or light rubbish, are hereby vested in the city of New York, and as matters of administration devolved upon the commissioner of street cleaning of said city, as to the boroughs of Manhattan, The Bronx and Brooklyn, and upon the presidents of Queens and Richmond as to those boroughs, to be by them executed pursuant to the powers, provisions and limitations of this act.—As amended by Laws 1909, Chapter 397.

Relief and pension fund in department of street cleaning.

Sec. 548. There shall be a relief and pension fund of the department of street cleaning which shall be made up, administered and used for the benefit of the members of the clerical and uniformed forces of the department of street cleaning as defined by section five hundred and thirty-six of the charter, and the incumbents of such other positions in said department as have been created and not specified in section five hundred and thirty-six of the charter.—Added by Laws 1911, Chapter 839.

Of what fund consists.

Sec. 549. The relief and pension fund of the department of street cleaning of the city of New York shall consist of the following moneys and the interest and income thereof:

First. A sum of money equal to, but not greater than, three per centum of the weekly or monthly pay, salary or compensation of each such member of the department of street cleaning, which sum shall be deducted, weekly or monthly, as the case may be, by the comptroller from the pay, salary or compensation, of each and every such member of the department of street cleaning, and the said comptroller is hereby authorized, empowered and directed to deduct said sum of money as aforesaid, and to pay the same monthly to the treasurer and trustee of the relief and pension fund of the department of street cleaning.

Second. All money, pay, compensation or salary, or any part thereof, forfeited, deducted or withheld from any such member of the department of street

cleaning on account of fines, suspension or absence from any cause, loss of time, sickness or other disability, physical or mental, to be paid monthly by the comptroller to the treasurer and trustee of said pension fund, except in the case of a sweeper, driver, hostler, stableman or other employee who may have been sick or absent from any cause, and whose position has been filled by an extra sweeper, driver, stableman or other temporary employee, to whom compensation has been paid.

Third. All moneys received for the privilege of scow trimming or assorting of refuse at the various dumps in the boroughs of Manhattan, Brooklyn or Bronx, or at any other place where refuse may be disposed of, excepting in so far as the provisions of any contract now in force between The City of New York and contractors give such privilege to the contractors. All contracts hereafter made shall stipulate that the proceeds from such trimming or assorting of refuse shall be paid by the comptroller to the trustee and treasurer of said pension fund.

Fourth. All moneys received from the sale of steam or house ashes, garbage and refuse, collected by the department of street cleaning, and any moneys that may be received for the disposal of such steam or house ashes, garbage or refuse.

Fifth. All proceeds of sales of condemned horses or other property of said department, excepting real property; and so much of the proceeds of sales of unharnessed trucks, carts, wagons and vehicles of any description, and of all boxes, barrels, bales or other merchandise, or other movable property, found in any public street or place and removed therefrom by the commissioner of street cleaning under any provision of law authorizing said commissioner to remove and to sell such incumbrances, as exceeds the necessary expense of the sales of such condemned property or unredeemed incumbrances and which is not, under such provision of the law, payable to the lawful owner or owners of such incumbrances so sold, and all moneys collected for the relcase of merchandise, unharnessed vehicles or movable property removed as aforesaid.

Sixth. Any and all unexpended balances of amounts appropriated for the payment of salaries or compensation of such members of the department of street cleaning remaining unexpended after the allowance of all claims payable therefrom. And the comptroller is hereby authorized to pay over such unexpended balances to the treasurer and trustee of said pension fund at any time after the expiration of the year for which such amounts were appropriated, after allowing sufficient to satisfy all the claims payable therefrom as aforesaid.

Seventh. All gifts or bequests which may be made to said fund or the commissioner of street cleaning as treasurer or trustee of said fund.—Added by Laws 1911, Chapter 839.

Commissioner, trustee and treasurer of fund.

Sec. 550. The commissioner of street cleaning shall be the trustee and treasurer of said relief and pension fund. He shall, before entering upon his duties as treasurer and trustee thereof, deliver to the comptroller a bond in the penal sum of seventy-five thousand dollars, to be approved by the comptroller, conditioned for the faithful discharge and performance of his duties as such treasurer and trustee. Compensation shall be made to the commissioner of street cleaning for the expense of procuring sureties for said bond, to be paid out of said pension fund. Said treasurer and trustee shall have charge of and administer said fund. He shall receive all moneys applicable to said fund, and, from time to time, shall invest such moneys or any part thereof, in any manner allowed by law for investments by savings banks, as he shall deem beneficial to said fund; and he is empowered to make all necessary contracts and to conduct necessary and proper actions and proceedings in the premises, and to pay from said fund the relief or pensions granted in pursuance of this act. And he is authorized and empowered to establish, from time to time, such rules and regulations for the disposition and investment, preservation and administration of said pension fund as he may deem best. No payment whatever shall be allowed or made by said treasurer and trustee from said fund as reward, gratuity or compensation to any person for salary or service rendered to or for said treasurer and trustee, except payment of necessary legal expenses and compensation as aforesaid for the expense of procuring sureties on said bond. The commissioner of street cleaning may employ the members of the clerical force in such clerical work as may be necessary for the care and administration of said fund as a part of their regular duties and without extra compensation. On or before the first day of February of each year the said treasurer and trustee shall make a verified report to the mayor containing a statement of the account of said fund under his control and of all receipts, investments and disbursements, on account of said fund, together with the name and residence of each beneficiary. There shall be an auditing committee consisting of three members of the department of street cleaning, to be appointed by the mayor. It shall be the duty of such auditing committee, on or before the first day of March in each year, to examine the condition of said relief and pension fund and to audit the accounts of said treasurer and trustee and to make report thereon to the mayor within thirty days thereafter.—Added by Laws 1911, Chapter 839.

Commissioner as trustee authorized to take gifts for fund.

Sec. 551. The commissioner of street cleaning, as treasurer and trustee of said relief and pension fund, is hereby authorized and empowered to take and hold any and all gifts or bequests which may be made to such fund, and to transfer such gifts or bequests to his successor, together with all other moneys or property belonging to said fund.—Added by Laws 1911, Chapter 839.

Retiring members of street cleaning force; pensions, etc.

Sec. 552. The commissioner of street cleaning shall have power in his discretion to retire and dismiss from membership in his department a member of the department of street cleaning as hereinafter provided; and he shall grant relief or a pension to such member so retired and dismissed from membership, and to the widows and orphans of members of said department who may be entitled to receive such relief or pension, to be paid from said relief or pension fund, in monthly instalments as follows:

First. To any such member who, at any time after the passage of this act, while in the actual performance of duty, and without fault or misconduct on the part of such member, shall have become permanently disabled, physically or mentally, so as to be unfit to perform the duties required of such member, provided that such unfitness for duty has been certified to by a majority of the medical examiners of said department, the sum of twenty-five dollars per month.

Second. To the widow of any member of the department of street cleaning who, after the passage of this act, shall have been killed while in the actual performance of his duty, or shall have died from the effects of any injury received while in the actual performance of such duty, the sum of not more than three hundred dollars per annum; and to the widow of any member of such force who shall hereafter die and who shall have been ten years in the service in said department at the time of his death, or who shall have been retired on a pension, as hereinafter provided, if there shall be no child or children of such member under eighteen years of age, the sum of not more than two hundred dollars per annum, in the discretion of said treasurer and trustee; and if there be such child or children of such member under the age aforesaid, then such sum may be divided between such widow, child or children in such proportion and in such manner as the said treasurer and trustee may direct. The right of such widow to such pension shall cease and terminate at her death or remarriage, or if she shall have been guilty of conduct which in the opinion of said treasurer and trustee renders payment inexpedient.

Third. To any child or children under eighteen years of age of such member killed or dying as aforesaid, or dying after retirement leaving no widow, or if a widow, then after her death, a sum not exceeding two hundred dollars per annum to be paid as such treasurer and trustee shall direct until such child or children shall have attained the age of eighteen years or shall have married.

Fourth. To the widowed mother of any such member, who was the sole support of such mother, who shall die after the passage of this act, a sum not to exceed two hundred dollars per annum, to cease upon the death or remarriage of such widowed mother.—Added by Laws 1911, Chapter 839.

Term of service of street cleaning force entitling to pension.

Sec. 553. Any such member who has or shall have performed duty as such member for a period of ten years or upwards shall be relieved and dismissed from said force upon his or her own application, or by order of the commissioner, upon an examination by the medical examiners of said department, to be made at any time when so applied for or when so ordered, if a majority of such medical examiners shall certify that such member is permanently disabled, physically or mentally, so as to be unfit for duty; and such member so relieved and dismissed from said force shall be paid from said fund in monthly instalments during his or her lifetime a sum not less than one-half of the annual salary or compensation of such member when he or she was so retired; and any such member who shall have performed duty on said force for a period of twenty years or upward, whether continuous or rendered during different periods, and who has reached the age of sixty years, may, upon the application of such member in writing, be relieved and dismissed from said force and service, and shall be paid from said fund in monthly instalments during his or her lifetime a sum not less than one-half of the annual salary or compensation of such member when so retired; provided, however that no such member shall be so retired or granted a pension while there are charges of official misconduct pending against him or her. Pensions granted under this section shall be for the natural life of the pensioner and shall not be revoked, repealed or diminished.—Added by Laws 1911, Chapter 839.

Rules regulating pensions to be made.

Sec. 554. The commissioner of street cleaning, as such treasurer and trustee, is authorized and empowered to make and enforce all such rules, orders and regulations as may be necessary to carry out the provisions of this act relative to pensions and may employ members of the department for such purpose so far as may be required.—Added by Laws 1911, Chapter 839.

Money of pension fund exempt from execution.

Sec. 555. The moneys or other property of the relief and pension fund of the department of street cleaning and all pensions or relief moneys granted and payable from said fund shall be, and the same are, exempt from levy and sale under execution, and from all processes or proceedings to enjoin payment, or to recover such moneys or property, by or on behalf of any creditor or other person having or asserting any claim against, or debt or liability of any person entitled to such pension or relief.—Added by Laws 1911, Chapter 839.

Pension fund when to come into existence.

Sec. 556. This act shall take effect October first, nineteen hundred and eleven, so far as it applies to the deduction by the comptroller of three per centum of the pay, salary or compensation of the members of the department of street cleaning, and to the collection and taking over by said treasurer and trustee of such other moneys as are provided by this act to be taken for such fund, and all such moneys shall be so taken and held for such purpose by said treasurer and trustee on and after said date. Provided, however, that no such deduction of such per centum shall be made by the comptroller from the pay, salary or compensation of any person who is or was a member of the department of street cleaning on or before September first, nineteen hundred and eleven, unless such member shall have given his or her consent in writing to the commissioner of street cleaning on or before that date that he or she agrees to abide by the provisions of this act and authorizes the comptroller of The City of New York to so deduct such per centum; and any such member who fails to give such written consent shall not be entitled to be or to become a beneficiary of said relief and pension fund; but such deduction of such per centum shall be made by the comptroller without such consent from the pay, salary or compensation of any person who shall become a member of the department of street cleaning after September first, nineteen hundred and eleven, and all such persons shall be entitled to or become beneficiaries of said relief and pension fund without such written consent to such deduction.—Added by Laws 1911, Chapter 839.

Persons entitled to pension fund.

Sec. 557. No relief or pension shall be paid to any person under the provisions of this act, and no person shall be entitled to receive any of the benefits provided for in this act prior to January first, nineteen hundred and thirteen, excepting that relief and pensions granted under the provisions of this act shall be payable to and through members of the department who shall die or become disabled on and after September first, nineteen hundred and eleven, but the payment of such relief or pension shall be postponed until January first, nineteen hundred and thirteen, on which date the provisions of this act providing for the payment of relief or pensions shall take effect.—Added by Laws 1911, Chapter 839.

TITLE 4.

DEPARTMENT OF BRIDGES.

Commissioner, appointment and salary.

Sec. 594. The department heretofore called the department of bridges shall hereafter be called the department of plant and structures, and its powers and duties are continued under the name as so changed, except as otherwise provided in this chapter. The head of the department of plant and structures shall be called the commissioner of plant and structures. He shall be appointed by the mayor and hold office as provided in chapter four of this act. His salary shall be seven thousand five hundred dollars a year. The present incumbent of the office of commissioner of bridges shall be called the commissioner of plant and structures, but his tenure of office shall not be affected by the change in the name of his office.—As amended by Laws of 1916, Chap. 528.

Id.; jurisdiction.

Sec. 595. 1. The commissioner of plant and structures shall have cognizance and control:

(a) Of the management and maintenance of the New York and Brooklyn bridge.

(b) Of the operation of the railroad on the New York and Brooklyn bridge.

(c) Of the collection of fares and of tolls on the New York and Brooklyn bridge.

(d) Of the construction, repair, maintenance and management of all other bridges, that may at any time hereafter be constructed in whole or in part at the expense of the city of New York, or that may be acquired by said city, which extend across the waters of a navigable stream, or have a terminus in two or more boroughs.

(e) Of the construction, repair, maintenance and management of all other bridges, that are or may be in whole or in part a public charge, not included in public parks, or within the control of a president of a borough, within the territory of the city of New York. The board of commissioners established by chapter seven hundred and eighty-nine of the laws of eighteen hundred and ninety-five is hereby abolished, and all its powers and duties are hereby devolved upon the commissioner of plant and structures of the city of New York. The engineering and clerical force of said board is hereby transferred to the department of plant and structures of the city of New York; provided, however, that nothing herein contained shall prevent the commissioner of plant and structures from abolishing unnecessary offices or positions or shall in any way limit his powers of removal as determined by this act.

(f) Of the construction, repair, maintenance and management of all tunnels that hereafter may be constructed in whole or in part at the expense of the city of New York or that may be acquired by said city which extend across the waters of a navigable stream or have a terminus in two or more boroughs; provided, however, that nothing in this section contained shall in any way limit or affect the powers now possessed by the public service commission for the first district.

2. The board of estimate and apportionment may in its discretion direct the transfer of the powers and duties of the police department, the department of street cleaning, the department of parks, the department of public charities, the department of correction, the fire department, the department of health and the board of trustees of Bellevue and allied hospitals in respect of the construction, maintenance, upkeep and repair of buildings and structures, and the repair of boats, vehicles, apparatus and equipment, to the department of plant and structures.

When the said board shall direct such transfer, the department of plant and structures shall thereafter perform all the duties and exercise all the powers theretofore vested in any of said departments or the heads thereof in respect to the construction, maintenance, upkeep and repair of buildings and structures, and of the repair of all boats, vehicles, apparatus and equipment; work which shall have been begun by any of said departments but which shall be unfinished at the time of such transfer shall be completed by the department of plant and structures, and contracts executed by any of said departments prior to such transfer shall be performed, or the performance thereof shall be completed, by the department of plant and structures; if any officer, engineer or other employee of any of said departments is designated in any such contract for the performance of a particular act or function, an officer, engineer or employee of the department of plant and structures designated by the commissioner of plant and structures and occupying a similar position shall perform such act or function; all employees of the said departments connected with the performance of such duties and the exercises of such powers shall be transferred to the jurisdiction of the commissioner of plant and structures, but such transfer shall not prevent the commissioner of plant and structures from abolishing unnecessary positions or limit his power of removal; all property, books, papers, vouchers, contracts, drawings, maps and other documents in the possession of the police department, the department of street cleaning, the department of parks, the department of public charities, the department of correction, the fire department, the department of health and the board of trustees of Bellevue and allied hospitals, connected with uncompleted work of construction or repair of buildings or structures, and all property, machinery, tools, implements and materials in the possession of any of said departments or of the board of trustees of Bellevue and allied hospitals for use in repairing boats, vehicles apparatus and equipment, shall be transferred and delivered to the department of plant and structures.—As amended by Laws of 1916, Chapter 528.

Id.; to make daily report to comptroller.

Sec. 596. The said commissioner shall keep accurate accounts of all moneys received or collected by his department for fares, tolls and any other purpose, in such form as the comptroller of the city or the ordinances of the board of aldermen shall require, and be shall pay over the same daily to the chamberlain and make a daily report of the same to the comptroller.

Persons not affected by passage of this act; exceptions.

Sec. 597. The engineers, officers and subordinates, with the exception of the attorneys and counsel, of the New York and Brooklyn bridge, in office or employment at the time of the passage of this act and heretofore appointed by the trustees of the New York and Brooklyn bridge shall not be affected by the passage of this act so far as their positions are concerned, but shall continue to hold such places and positions under the commissioner of bridges, subject to the provisions of this act.

The New York and Brooklyn bridge a public highway.

Sec. 598. The New York and Brooklyn bridge is hereby declared to be a public highway for the purpose of rendering travel between the boroughs of Manhattan and Brooklyn certain and safe at all times, subject to such tolls and prudential and police regulations as the board of aldermen shall adopt and prescribe; provided, however, that the passageway of the bridge now set apart for foot passengers shall remain free and open to all pedestrians coming or going at all times.

Concurrent jurisdiction in boroughs of New York and Brooklyn over crimes, etc., committed on the said bridge.

Sec. 599. Concurrent jurisdiction shall be possessed by all courts located in the borough of Manhattan, and of all courts located in the borough of Brooklyn, and by the judicial and administrative officers of the city of New York, over all crimes and offenses, committed upon said bridge and upon any other bridge that may hereafter be erected between the two boroughs. It shall be the duty of the said commissioner of plant and structures, and he hereby is authorized to execute the ordinances of the board of aldermen, relative to said bridges and to have in immediate charge, the control and disposition of such members of the police force of the city of New York, as may be assigned for duty in his department.—As amended by Laws of 1916, Chap. 528.

Certain acts declared to be misdemeanors; penalties for.

Sec. 600. Any person wilfully doing any injury to any of said bridges or any of their appurtenances, shall forfeit and pay the said City of New York three times the amount of such injury, and shall be deemed guilty of a misdemeanor, and be subject to a penalty not exceeding five hundred dollars, and to imprisonment not exceeding six months, in the discretion of the court.

Devolution of powers of former boards, etc.

Sect. 601. All the powers and duties of the trustees of the New York and Brooklyn bridge heretofore vested in and devolved upon said commissioner of bridges by any law or statute shall, so far as they are consistent with and conformable to the provisions of this act, be devolved upon the commissioner of plant and structures and upon the board of aldermen, and they shall in all respects exercise such duties and perform such powers, subject, however, to the provisions, directions and limitations of this act.—As amended by Laws of 1916, Chap. 528.

Additional powers of the commissioner of plant and structures.

Sec. 602. The commissioner of plant and structures, in addition to the powers hereinbefore conferred upon him, is also authorized, with the approval of the board of estimate and apportionment, given after ten days' notice in writing to the public service

commission for the first district to select in the name and on behalf of the city of New York any lands for approaches to bridges and sites therefor or lands above or under water for bridges or approaches thereto, and to acquire title thereto either in fee or to an easement as may be determined by the board of estimate and apportionment. The proceeding for the acquirement of the title to any property so selected shall be taken and conducted in the manner prescribed in chapter twenty-one of this act.—As amended by Laws of 1916, Chap. 528.

Additional funds for removal of snow in emergencies.

Sec. 603. If the necessary cost of removing snow or ice from the bridges, or any of them, under the jurisdiction of the department of plant and structures shall, in any one year, exceed the amount appropriated to such department therefor, the board of estimate and apportionment may authorize such additional expenditure as may be required for the removal of such snow or ice to be paid out of any unexpended balance of the appropriation made for the purposes of such department; and the comptroller shall raise the amount of such additional expenditures by the issue and sale of revenue bonds and place the amount so raised to the credit of such department.

Sec. 9. The status of officers and employees of the department of bridges, as heretofore known, shall not be affected by the change in the name of said department under the provisions of this act.—As amended by Laws of 1916, Chap. 528.

CHAPTER XII.

DEPARTMENT OF PARKS.

Title 1. The parks of the city.
Title 2. The art commission.

TITLE 1.

THE PARKS.

Administrative jurisdiction; board; president; salaries.

Sec. 607. The head of the department of parks shall be called the park board. Said board shall consist of four members who shall be known as commissioners of parks of The City of New York. They shall be appointed by the mayor and shall hold their respective offices as provided in chapter four of this act. One of said commissioners shall be the president of the board, and shall be so designated by the mayor. In appointing such commissioners, the mayor shall specify the borough or boroughs in which they are respectively to have administrative jurisdiction, to wit: one in the boroughs of Manhattan and Richmond; one in the borough of The Bronx, and one in the borough of Brooklyn and one in the borough of Queens. The principal office of the department of parks shall be in the borough of Manhattan. There shall be branch offices in the boroughs of Brooklyn, Queens, and The Bronx. The salary of each of said commissioners shall be five thousand dollars a year.—As amended by Laws of 1911, Chapter 644.

Title to parks, squares and public places.

Sec. 608. The title to each and all of the parks, parkways, squares and public places comprised within and belonging to the corporation heretofore known as the mayor, aldermen and commonalty of The City of New York, or the corporation heretofore known as the city of Brooklyn, or the corporation heretofore known as Long Island City, or the county of Kings, or the county of Richmond, or which are owned by the county of Queens and are comprised within that portion of said county which is included in The City of New York, as constituted by this act, or belonging to any of the subdivisions of said counties, is hereby vested in The City of New York, as hereby constituted.

Gifts of real and personal property.

Sec. 609. Real and personal property may be granted, devised, bequeathed or conveyed to The City of New York, as constituted by this act, for the purposes of the improvement or ornamentation of the parks, squares, or public places in said city, or for the establishment or maintenance, within the limits of any such park, square, or public place, of museums, zoological, botanical or other gardens, collections of natural history, observatories, or works of art, upon such trusts and conditions as may be prescribed by the grantors or donors thereof, and be accepted by the department; and all property so devised, granted, bequeathed, or conveyed, and the rents, issues, profits, and income and increase thereof shall be subject to the management, direction and control of the commissioner for the borough or boroughs in which the same is situated or to which it appertains, and except such surplus animals and duplicate specimens as the park board may deem it judicious to dispose of by sale or otherwise, the same shall be forever properly protected, preserved and arranged for public use and enjoyment, subject to such rules and regulations as the park board may prescribe; provided, however, that whenever the park board shall determine to discontinue the maintenance of the zoological collection in Central Park it shall be lawful for said board, with the approval of the mayor and the board of estimate and apportionment, to transfer such collection to the New York Zoological Society. The said board shall hereafter, with its annual report, make a statement of the condition of all the gifts, devises and bequests of the previous year, and of the names of the persons making the same.

General powers of the board; ordinances.

Sec. 610. The board of aldermen shall by general ordinances from time to time establish all needful rules and regulations for the government and protection of the public parks and of all property placed in charge of the park board and under its control by the provisions of this chapter, and the same shall at all times be subject to all such ordinances as to the use and occupation thereof and in respect to any erections or encumbrances thereon. The board of aldermen shall have power to name or rename parks, parkways and all public places under the jurisdiction of the park board. The park board shall have power to establish and enforce general rules and regulations for the administration of the department, and, subject to the ordinances of the board of aldermen, to establish and enforce rules and regulations for the government and protection of the public parks and of all property in charge of said board or under its control, which rules and regulations, so far as practicable, shall be uniform in all the boroughs. All ordinances, rules and regulations of the park board which on the first day of January, nineteen hundred and two, shall be in force in The City of New York, are hereby continued in full force and effect until modified or repealed by the establishment of new ordinances, rules and regulations as herein provided. The rules and regulations for the government and protection of the public parks and of all property in charge of the said board or under its control, which are in force May first, nineteen hundred and four, shall, together with the ordinances adopted by the board of aldermen, constitute a chapter of the code of ordinances of the City of New York. On or before the fifteenth day of May, nineteen hundred and four, the secretary of the park board shall file with the city clerk all such rules and regulations which were in force on May first, nineteen hundred and four, and upon the filing of the same, they shall thereby become general ordinances of The City of New York. No such rule or regulation adopted by the park board subsequent to May first, nineteen hundred and four, shall become valid and effectual until a copy of such rule or regulation, duly certified to be a correct copy by the secretary of the park board, be filed with the city clerk. Upon so filing such rule or regulation shall become a general ordinance of The City of New York. Any person violating any ordinances relating to the parks or other property mentioned in this section shall be guilty of a misdemeanor and shall on conviction before a city magistrate be punished by a fine not exceeding fifty dollars, or in default of payment of such fine by imprisonment not exceeding thirty days. [As amended by Laws of 1913, chap. 383.]

Landscape architect; appointment and duties.

Sec. 611. The board may employ when thereto authorized by the board of estimate and apportionment, a landscape architect, skilled and expert, whose assent shall be requisite to all plans and works or changes thereof respecting the conformation, development or ornamentation of any of the parks, squares, or public places of the city, to the end that the same may be uniform and symmetrical at all times. It shall be the duty of such architects, from time to time, to procure and submit to the board, or to any commissioner, as he may deem proper, or as he may be requested by said board or by any commissioner, plans for works or changes thereof respecting the parks, parkways, squares or public places of the city.

General powers of commissioners as to the management of parks.

Sec. 612. Subject to such general rules and regulations as shall be established by the board, each commissioner shall have charge of the management and be responsible for the care of all such parks, parkways, squares and public places as are situated in the borough or boroughs over which he has jurisdiction and of the streets and avenues immediately adjoining the same; but such jurisdiction shall not extend to nor include the buildings which are now or may hereafter be erected in such parks, squares or public places for governmental purposes, other than those of the department of parks. It shall be the duty of each commissioner, subject to such general rules and regulations and in conformity therewith, to maintain the beauty and utility of all such parks, squares and public places as are situated within his jurisdiction, and to institute and execute all measures for the improvement thereof for ornamental purposes and for the beneficial uses of the people of the city. Subject to the general rules and regulations established by the board, and excepting as otherwise provided in section 612-a of this charter, each commissioner shall have power to authorize and regulate the projections on and determine the line of curb and the surface construction of all streets and avenues lying within any park, square or public place in his jurisdiction, or within a distance of three hundred and fifty feet from the outer boundaries thereof; and he shall also have power to plant trees and to construct, erect and establish seats, drinking fountains, statues and works of art, when he may deem it tasteful or appropriate so to do, on any part of the public streets and avenues within such environments, subject to the provisions of title two of this chapter, and to determine when and where new lamps or lighting appliances shall be placed and lighted.—As amended by Laws 1908, Chapter 135.

Transfer of jurisdiction over certain streets in Borough of Brooklyn.

Sec. 612-a. The following named streets, avenues and highways in the Borough of Brooklyn, which have heretofore been by law under the jurisdiction of the department of parks of the County of Kings,

or of the City of Brooklyn, and later under the department of parks of The City of New York and the commissioner of parks of the boroughs of Brooklyn and Queens, shall be under the exclusive care, custody and control of the president of the Borough of Brooklyn, to wit: Riverdale avenue from Stone avenue to New Lots road, New Lots road to Dumont avenue and Dumont avenue to Fountain avenue.—Added by Laws 1908, Chapter 135.

Ocean boulevard; restrictions as to use of.

Sec. 612-b. The commissioner of parks of the borough of Brooklyn is hereby authorized, in his discretion by rules and regulations, to restrict the use and occupation of the main drive of Ocean boulevard in the borough of Brooklyn from Twenty-second avenue to King's highway, to horses and light carriages and to exclude therefrom vehicles of all other kinds, including bicycles and motor vehicles. [As amended by Laws of 1913, chap. 34.]

Maintenance and management of buildings in parks.

Sec. 613. It shall be the duty of the commissioner for the boroughs of Manhattan and Richmond to maintain the meteorological and astronomical observatory, the museum of natural history, the metropolitan museum of art in Central park, the aquarium in Battery place, and such other buildings as now are or may hereafter be erected in such parks or in any other park, square or public place under his jurisdiction by authority of the board of aldermen. It shall be the duty of the commissioner for the Borough of Brooklyn to maintain the Brooklyn institute of arts and sciences, and such other buildings as now are or may hereafter be erected in any park, square or public place under his jurisdiction by authority of the board of aldermen. It shall be the duty of the commissioner for the borough of the Bronx to maintain the New York botanical garden and the buildings appurtenant hereto, and such other institutions or buildings as may be established or erected in any park, square or public place in his jurisdiction by authority of the board of aldermen. It shall be the duty of the commissioner for the borough of Queens to maintain such institutions and buildings as now are or may hereafter be erected in any park, square or public place under his jurisdiction by authority of the board of aldermen. It shall be the duty of the several commissioners to provide the necessary instruments, furniture and equipments for the several buildings and institutions within their respective jurisdictions, and, with the authority of the board of aldermen, to develop and improve the same, and to erect additional buildings; but the maintenance of all such buildings and institutions shall be subject to the provisions of the acts incorporating said institutions, or either of them and the acts amendatory thereof, and to the powers of said corporations thereunder, and of the boards by such acts created or provided for; and shall also be subject to and in conformity with such contracts and agreements as have heretofore been made with such institutions respectiveiy, and are in force and effect when this act takes effect, or as may be hereafter made by the authority of the board of aldermen, and no moneys shall be expended for such purposes unless an appropriation therefor has been made by the board of estimate and apportionment and the board of aldermen. Out of the moneys annually appropriated for the maintenance of parks each commissioner may apply such sum as shall be fixed by the board of estimate and apportionment for the keeping, preservation and exhibition of the collections placed or contained in buildings or institutions now situated or hereafter erected in the parks, squares or public places under the jurisdiction of such commissioner. [As amended by Laws of 1913, chap. 34.]

Appointment of subordinate officers.

Sec. 614. The park board shall have power to appoint a secretary and such subordinate officers as may be necessary for the proper conduct of the office of the department. Each commissioner shall have power to appoint such superintendents, engineers, subordinates, clerks and assistants as may be necessary for the efficient performance of the duties of the department respectiug the parks, squares and public places within his jurisdiction and also have power to employ all of the mechanics, agents or laborers needed or required for the work of the department in the parks, squares and public places in his jurisdiction within the limits of the proper appropriation. Each commissioner shall have in immediate charge the control and disposition of such members of the police force of The City of New York, as constituted by this act, as may be assigned for duty in the parks, squares or public places subject to his jurisdiction.

Permits for buildings for fire apparatus.

Sec. 615. Each commissioner is hereby authorized in his discretiou, on the application in writing of the fire commissioner, to permit a building or buildings for fire apparatus to be placed in any of the parks, squares or public places situated within the jurisdiction of such commissioner of parks, provided the said building or buildings are so located and constructed as, in the judgment of the commissioner granting such permission, will not disfigure or encumber the said park, square or public place, or interfere with the purposes of public use and recreation, but will tend to the protection of the public and their property.

General powers of commissioners under former acts.

Sec. 616. The park board shall in addition to the powers, rights and duties expressly conferred or imposed upon it by this act, except as otherwise provided by section six hundred and twelve-a, possess and exercise all the powers, rights and duties and shall be subject to all the obligations heretofore vested in, conferred upon or required of the corporation known as the mayor, aldermen and commonalty of The City of New York, or the department of parks in said city, or the commissioners of parks, or in any other board, body or officer therein or thereof, or any commission, commissioner, body, board or officer in or for the County of Richmond, or the corporation known as the City of Brooklyn, or the department of parks in and for said city, or the commissiouers of parks, or any commission, commissioner, body, board or officer of said city or of the County of Kings, or auy commissioner, body, board or officer in or for the County of Queens, so far as such powers, rights, duties and obligations concerned or affected the control, care, management, government, extensiou, maintenance or administrative jurisdiction of the parks, squares and other public places situated or lying within The City of New York as constituted by this act or which have since been or may hereafter be opened or established therein, so far as the same are not inconsistent with this act. Nothing contained in this section shall be construed to limit the administrative control of the several commissioners over the parks, squares or public places situated or lying within their respective jurisdiction.—As amended by Laws 1908, Chapter 135.

Accounts; annual estimates; expenditures.

Sec. 617. Each commissioner shall keep accurate and detailed accounts, in a form approved by the comptroller of all moneys received and expended by him, the sources from which they are received and the purposes for which they are expended. Each commissioner shall, on or before the first day of September in each year prepare an itemized estimate of his necessary expenses for the ensuing fiscal year and present the same to the board. The estimates so prepared, as revised by the board, shall together constitute the annual estimate of the department of parks, and shall be submitted to the board of estimate and apportionment within the time prescribed by this act for the submission of estimates for the several departments of the city. No commissioner shall incur any expense for any purpose in excess of the amount appropriated therefor; nor shall he expend any money so appropriated for any purpose other than that for which it was appropriated. It shall be the duty of the board of estimate and apportionment and of the board of aldermen to provide in the annual budget the proportionate part of the appropriation for the department of parks applicable to the administration of each commission. [As amended by Laws of 1913, chap. 34.]

Advertisements for supplies.

Sec. 618. The board shall from time to time as may be necessary, advertise in the City Record aud corporation newspapers for not less than ten days, for the proposals for such articles and supplies as shall be necessary to be used in the parks, squares and public places of the city, and shall award contracts for the same to the lowest bidders, who shall give adequate security for the faithful performance of such contracts, excepting such perishable articles as may be excepted by the rules and regulations of the board. In case of an emergency each commissioner may purchase articles immediately required without calling for competition at an expense not exceeding one thousand dollars during auy one month.

Battery place; boat landings.

Sec. 619. The commissiouer for the boroughs of Manhattan and Richmond shall have power and control over all that portion of Battery place lying south of the line of the south side of pier number one, North river, and west of the easterly line of West street, extended in a southerly direction, and also over the waters of the North river and soil under the waters thereof, in front of said portion of Battery place, and to the extent of two hundred feet westerly from the westerly end of said Battery place; and it shall be lawful for such commissioner to erect, construct and maintain on said part of Battery place, and over or on the lands under water before mentioned, suitable buildings, docks, piers, or basins for the accommodation of small boats that may be engaged in the business of attending on shipping lying in the said river, or the bay or harbor of New York, and also to make, prescribe and enforce, from time to time, such rules and regulations for the use and enjoyment of the same, as to the commissioners shall seem meet and proper for the public interest. Such commissioner may also prescribe and enforce like rules and ordinances for the control and government of all small boats frequenting or using the water basin at the south end of the Battery.

Harlem river improvement.

Sec. 620. It shall be the duty of the commissioner for the boroughs of Manhattan and Richmond to continue and complete every and all plan or plans, work or construction, respecting the improvement of Harlem river, heretofore devolved upon the department of public parks of the corporation known as the

mayor, aldermen and commonalty of the city of New York, by chapter five hundred and thirty-four of the laws of eighteen hundred and seventy-one, and by all acts or parts of acts amendatory thereof, so far as the same remain to be continued and completed according to the provisions of that act or its amendments.

Metropolitan Museum of Art.

Sec. 621. The commissioner for the boroughs of Manhattan and Richmond is hereby authorized and directed to continue the contract with the Metropolitan Museum of Art for the occupation by it of the buildings erected or to be erected on that portion of the Central Park east of the old receiving reservoir, and bounded on the west by the drive, on the east by the Fifth avenue, on the south by a continuation of Eightieth street, and on the north by a continuation of Eighty-fifth street, and for transferring thereto and establishing and maintaining therein its museum, library and collections, and carrying out the objects and purposes of the said Museum of Art.

American Museum of Natural History.

Sec. 622. The commissioner for the boroughs of Manhattan and Richmond is hereby authorized and directed to continue the contract with the American Museum of Natural History for the occupation by it of the building erected, or to be erected, on that portion of the Central Park formerly known as Manhattan square, and for establishing and maintaining therein its museums, library and collections, and carrying out the objects and purposes of said museum.

New York Public Library.

Sec. 623. Whenever, pursuant to lawful authority, the land at present occupied by the reservoir at Fifth avenue and Fortieth and Forty-second streets shall be made a public park, and the removal of said reservoir shall have been duly authorized and directed, the commissioner for the boroughs of Manhattan and Richmond is hereby authorized and directed to make and enter into a contract with the New York public library, Astor, Lenox and Tilden foundations, a corporation duly organized under the laws of this state, for the use and occupation of said land, or of any part thereof, by the said corporation and its successors, for establishing and maintaining thereon a free public library and reading room, and for carrying out the objects and purposes of said corporation in accordance with the provisions of the agreement of consolidation between the trustees of the Astor library, of the Lenox library and of the Tilden trust, and the several acts incorporating the said several corporations; and said contract may provide that such use and occupation shall continue so long as the said New York public library, Astor, Lenox and Tilden foundations, or its successors, shall maintain such free public library and reading room upon said land.

Brooklyn Institute of Arts and Sciences.

Sec. 624. The commissioner of the boroughs of Brooklyn and Queens is hereby authorized and directed to continue the contract and lease with the Brooklyn Institute of Arts and Sciences, for the occupation by it of park lands and of a building or buildings erected or to be erected on that portion of Prospect park bounded by the Eastern parkway on the north, Washington avenue on the east, a line parallel to Old President street, and one hundred feet south of the southerly line of said street, on the south, and on the west by the easterly line of land reserved for Prospect Hill reservoir, and in continuation thereof, for establishing and maintaining therein its museum, library and collections. For carrying out the plans and purposes of said institute and for the maintenance of said museum building or buildings, and for the keeping, preservation and exhibition of collections placed therein, a sum not less than twenty thousand dollars shall be appropriated annually by the said City of New York, as constituted by this act.

New York Botanical Garden.

Sec. 625. The commissioner for the borough of The Bronx is hereby authorized and directed to carry out the existing contract made by and between the department of parks of the corporation heretofore known as the mayor, aldermen and commonalty of The City of New York and the board of managers of the corporation known as the New York Botanical Garden pursuant to the provisions of chapter two hundred and eighty-five of the laws of eighteen hundred and ninety-one, entitled, "An act to provide for the establishment of a botanic garden and museum and arboretum in Bronx park in The City of New York and to incorporate the New York botanical garden for carrying on the same," as amended by chapter one hundred and three of the laws of eighteen hundred and ninety-four, which contract provides for the allotting and setting apart for the uses of said garden of two hundred and fifty acres of land or less in the northern part of Bronx park as shown upon a certain map thereof numbered five hundred and sixty-eight, and signed by Messrs. Vaux and Parsons, and filed with the former department of public parks of the corporation known as the mayor, aldermen and commonalty of the City of New York.

New York Zoological Garden.

Sec. 626. The commissioner for the borough of The Bronx is hereby authorized and directed to carry out the contract made by and between the department of public parks and the sinking fund commissioners of the corporation heretofore known as the mayor, aldermen and commonalty of The City of New York, with the board of managers of the corporation known the the New York Zoological Society, pursuant to the provisions of chapter four hundred and thirty-five of the laws of eighteen hundred and ninety-five, entitled, "An act to incorporate the New York Zoological Society and to provide for the establishment of a zoological garden, in The City of New York," if such a contract shall have been entered into prior to the passage of this act. If no such contract shall have been entered into by the said department of parks and the said sinking fund commissioners prior to the passage of this act, then and in that case the said commissioner for the borough of The Bronx, with the consent and approval of the sinking fund commissioners of The City of New York, as constituted by this act, is hereby authorized to enter into a contract in behalf of The City of New York with said New York Zoological Society allotting and setting apart for the use of said society, a tract of land in Bronx park in said borough of The Bronx upon such terms and conditions as shall be approved by the said commissioner and said sinking fund commissioners.

Military encampments and evolutions; public fairs.

Sec. 627. No military encampment, parade, drill, review, or other military evolution, or exercise, shall be held or performed in any park, or in any part thereof without permit from the commissioner within whose jurisdiction such park is situated. No military officer shall have authority to order, direct or hold any such parade, drill, review or other evolution or exercise, or encampment within any park, except in case of riot, insurrection, rebellion or war, without such permit. It shall not be lawful to grant, use or occupy, for the purposes of a public fair or exhibition, any portion of any park, square or public place.

Commissioner of parks, Manhattan and Richmond; jurisdiction over Broadway.

Sec. 628. Subject to such general rules and regulations as shall be established by the board, the commissioner of parks for the boroughs of Manhattan and Richmond shall have charge of the management and be responsible for the care of all that portion of Broadway (formerly the Boulevard) between Fifty-ninth street and One Hundred and Sixty-eighth street in the borough of Manhattan, which includes the plots or spaces along the center line thereof, commonly known as parkways. It shall be his duty, subject to such general rules and regulations and in conformity therewith, to maintain the beauty and utility of such plots or spaces and to institute and execute all measures for the improvement thereof for ornamental purposes and for the beneficial uses of the people of the city and he shall have power to plant trees and to construct, erect and establish thereon seats, where he may deem it tasteful or appropriate so to do, and to determine when and where new lamps or lighting appliances shall be placed and lighted. The board of estimate and apportionment shall annually include and appropriate in the budget of The City of New York a sum which shall be sufficient, in its judgment, for the management and care of such plots, and for the purpose of paying the expenses for the year nineteen hundred and eight for the putting and keeping in good condition and caring for said plots, the board of estimate and apportionment may without the concurrence or approval of any other board or officer of the city of New York, authorize the issue of special revenue bonds for such amount as may be necessary for said purposes. It is further provided that such issue of revenue bonds shall not be deemed to be included in the amount authorized to be issued by the board of estimate and apportionment by virtue of section one hundred and eighty-eight, subdivision eight, of the revised Greater New York charter. Nothing in this act shall be construed to confer any jurisdiction over any street or avenue immediately adjoining said plots or spaces, or within a distance of three hundred and fifty feet from the outer boundaries thereof. Nothing in this act contained shall impair any rights which The City of New York may have against the rapid transit contractors, growing out of the construction of the subway in said Broadway, relative to the replacing of trees and grass plots.—As amended by Laws 1908, Chapter 106.

Sec. 629 abolished by Chap. 574, Laws of 1915.

Play grounds; recreational property.

Sec. 630. Each commissioner of parks shall have, within the borough or boroughs over which his administrative jurisdiction extends, except as to property within the jurisdiction of the department of education, supervision and control over

(a) All play grounds, play ground fixtures and other recreational properties;

(b) All grounds or properties hereafter obtained by the city either through purchase, gift or loan for play ground or recreational use;

(c) The acquisition by lease or gift of private properties to be used for play ground purposes, provided that there shall be no expenditure of city funds upon the equipment or administration without the consent of the board of estimate to the securing of such properties and its approval of the terms by which they are taken;

(d) All gifts made to the city for recreational purposes in the borough or boroughs over which his administrative jurisdiction extends, or which may be assigned by the sinking fund commission for such use in such borough or boroughs, of which he shall make full and complete annual financial statement to the comptroller, including an accounting of receipts and disbursements of all private or city funds under his control;

(e) Rules and regulations for the administration of all properties under his control

Provided, however, that this supervision and control shall be subject to such general rules and regulations as shall be established by the park board. (As amended by Chap. 574, Laws of 1915.)

Temporary use of property by commissioners.

Sec. 631. The sinking fund commission may assign to the appropriate commissioner of parks for temporary use any properties it may deem suitable for recreation purposes, provided that upon one month's written notice from the sinking fund commission, the property shall be returned to the full control of the sinking fund commission.

Sec. 4. All books, papers and records now under the control and in the custody of the public recreation commission for the city of New York are hereby placed in, and the members of said recreation commission are hereby directed to deliver them into the custody and control of the commissioners of the sinking fund when this act takes effect, to be by the commissioners of the sinking fund disposed of in such manner as to carry out the purposes of this act. [As amended by Chap. 574, Laws of 1915.]

TITLE 2.

ART COMMISSION.

Art commission; how constituted.

Sec. 633. There shall be an art commission for the city of New York, composed as follows:

1. The mayor of the city of New York, ex officio.

2. The president of the Metropolitan museum of art, ex officio.

3. The president of the New York public library (Astor, Lenox and Tilden foundations), ex officio.

4. The president of the Brooklyn institute of arts and sciences, ex officio.

One painter, one sculptor and one architect, all residents of The City of New York; and three other residents of said city, none of whom shall be a painter, sculptor or architect or member of any other profession in the fine arts. All of the six last mentioned shall be appointed by the mayor from a list, of not less than three times the number to be appointed, proposed by the fine arts federation of New York. In all matters of which such commission takes cognizance pertaining to work under the special charge of a commissioner or department, the commissioner having such special charge shall act as a member of the commission. Each of the aforesaid presidents may appoint a trustee of the institution or corporation of which he is president to serve in his place as ex officio member of said commission. Such appointment shall be in writing and shall be revocable at any time by such president. It shall terminate whenever he ceases to be president. Until the appointment be so revoked or terminated, any trustee so appointed shall be an ex officio member of said commission with like powers and duties as the president who has appointed him—As amended by Laws 1907, Chapter 675.

Members of commission; how chosen; vacancies.

Sec. 634. The painter, sculptor and architect, members of the commission shall be chosen by lot one, two and three year terms of office; the three other appointed members of the commission shall also choose by lot one, two and three year terms of office, and the appointment of their successors, after the expiration of the first year of this commission, shall be for a term of three years. All appointments to fill vacancies shall be for the unexpired term. In case any vacancy shall occur in the commission, by reason of death, resignation, incapacity, refusal to serve, or otherwise, the vacancy shall be filled by appointment, as provided in section six hundred and thirty-three of this act. In case the Fine Arts Federation shall fail to present a list of nominees as aforesaid within three months from the time when any appointment is to be made, the mayor shall appoint without such nomination.

Officers.

Sec. 635. The commission shall serve without compensation as such, and shall elect a president, vice president and secretary from its own members, whose terms of office shall be for one year and until their successors are elected and have qualified. The commission shall have power to adopt its own rules of procedure. Five commissioners shall constitute a quorum.

Offices to be provided; expenses, how met.

Sec. 636. Suitable offices shall be provided for the commission by the board of estimate and apportionment. The expenses of the commission shall be paid by the city and the amount of the same shall be fixed annually by the board of estimate and apportionment and the board of aldermen.

All works of art to be submitted to and approved by the commission.

Sec. 637. Hereafter no work of art shall become the property of The City of New York, by purchase, gift or otherwise, unless such work of art or a design of the same, together with the proposed location of such work of art, shall first have been submitted to and approved by the commission; nor shall such work of art until so approved be contracted for, erected or placed in or upon, or allowed to extend over or upon any street, avenue, square, common, park, public building, or other public place belonging to the city. The commission may, when they deem proper, also require a complete model of the proposed work of art to be submitted. The term "work of art" as used in this title shall apply to and include all paintings, mural decorations, stained glass, statues, bas reliefs or other sculptures, monuments, fountains, arches, or other structures of a permanent character intended for ornament or commemoration. No existing work of art in the possession of the city shall be removed, relocated or altered in any way without the similar approval of the commission, except as provided in section six hundred and thirty-nine of this act. The commission shall act in a similar capacity, with similar powers, in respect of the designs of buildings, bridges, approaches, gates, fences, lamps or other structures erected or to be erected upon land belonging to the city, and in respect to the lines, grades and plotting of public ways and grounds and in respect of arches, bridges, structures and approaches which are the property of any corporation or private individual, and which shall extend over or upon any street, avenue, highway, park or public place belonging to the city, and said commission shall so act and its approval shall be required for every such structure which shall hereafter be erected or contracted for; except that in case of any such structure which shall hereafter be erected or contracted for at a total expense not exceeding two hundred and fifty thousand dollars, the approval of said commission shall not be required, if the mayor or the board of aldermen shall request said commission not to act. But this section shall not be construed as intended to impair the power of the park board to refuse its consent to the erection or acceptance of public monuments or memorials or other works of any sort within any park, square or public place in the city.—As amended by Laws 1907, Chapter 675.

Time for decision limited.

Sec. 638. If the commission shall fail to decide upon any matter submitted to it within sixty days after such submission, its decision shall be deemed unnecessary.

Removal or relocation of works of art; duty of commission.

Sec. 639. In case the immediate removal or relocation of any existing work of art shall be deemed necessary by the mayor, the commission shall within forty-eight hours after notice from him approve or disapprove of such removal or relocation, and in case of their failure so to act within forty-eight hours after the receipt of such notice, they shall be deemed to have approved of the same.

CHAPTER XII-A.

DEPARTMENT OF LICENSES

Commissioners; Deputies; Employees; Salaries.

Sec. 640. There shall be a department of licenses in the city of New York, the head of which shall be called the commissioner of licenses, who shall be appointed by the mayor. His salary shall be seven thousand five hundred dollars a year. The main office of the department shall be located in the borough of Manhattan and branch offices may be located in the other boroughs of the city. The commissioner of licenses shall appoint two deputies, the salaries of said deputies to be fixed in accordance with section fifty-six of the charter. Subject to existing laws, the commissioner may appoint such employees as may be necessary to perform the duties devolved upon the department. Officers and employees of any department, board or office of the city, except members of the uniformed force of any department, now performing any of the functions hereby vested in the department of licenses, shall be transferred to the said department.

Jurisdiction.

Sec. 641. The commissioner of licenses shall have cognizance and control of the granting, issuing, transferring, renewing, revoking, suspending and canceling:

1. Of all licenses and permits now issued by the mayor pursuant to the code of ordinances of the city.

2. Of all licenses and permits now issued by the bureau of licenses attached to the mayor's office.

3. Of all licenses issued under the provisions of article eleven of the general business law, so far as it applies to the city of New York.

4. Of all licenses in relation to theatres and concerts now issued under the provisions of sections fourteen hundred and seventy-three, fourteen hundred and seventy-four, fourteen hundred and seventy-five and fourteen hundred and eighty-three of the Greater New York charter, by the police commissioner.

5. Of all licenses in relation to dance halls and the appointment of inspectors thereof in pursuance of sections fourteen hundred and ninety and fourteen hundred and ninety-four of the Greater New York charter as added thereto by chapter five hundred and forty-seven of the laws of nineteen hundred and ten.

The commissioner of licenses is hereby vested with all the powers and functions now exercised in relation to licenses by (1) the mayor pursuant to the code of ordinances of the city; (2) by the bureau of licenses attached to the mayor's office; (3) by the commissioner of licenses appointed by the mayor under the provisions of article eleven of the general business law; (4) by the police commissioner in relation to theatres and concerts; (5) by the mayor or other licensing authority in relation to public dance halls.

Except as in this chapter otherwise provided, the previous consent, approval or recommendation of any other department, board, body or office of the city shall not be necessary to the issuance of a license or permit by the commissioner.—As amended by Laws of 1914, chap. 475.

CHAPTER XIII.

PUBLIC CHARITIES.

Title 1. Department of Public Charities.

Title 2. Bellevue and Allied Hospitals in The City of New York.

Title 3. Board of Inebriety.

Title 4. Board of Ambulance Service.

TITLE I.

DEPARTMENT OF PUBLIC CHARITIES.

Commissioner of public charities; jurisdiction; salary.

Sec. 658. The head of the department of public charities shall be called the commissioner of public charities. The term of office of the members of the board of public charities, except the president thereof, appointed pursuant to the provisions of the Greater New York Charter, shall cease and determine on the first day of January, nineteen hundred and two, and the president of the said board of public charities shall thereupon become the commissioner of public charities. The salary of the commissioner of public charities shall be seven thousand five hundred dollars a year. The principal office of the department shall be in the borough of Manhattan. There may be a branch office in each of the other boroughs.

Rules and regulations; subordinate officers.

Sec. 659. The said commissioner shall have power to establish general rules and regulations for the administration of the department and the government of the institutions under its jurisdiction except the institutions specified in section six hundred and sixty-one of this act, and except as provided in title two of this chapter, and such general rules and regulations shall be so far as practicable uniform in all the boroughs. The commissioner shall have power to appoint and in his discretion remove not more than three deputies, to be known as first deputy, second deputy, and third deputy, and shall define their duties. The first deputy shall during the absence or disability of the commissioner possess all the powers and perform all the duties of the commissioner except the power of making appointments. In the absence or disability of both the commissioner and the first deputy, the second deputy shall possess all the powers and perform all the duties of the commissioner, except the power of making appointments. In the absence or disability of the commissioner and the first and second deputies, the third deputy shall possess all the powers and perform all the duties of the commissioner, except the power of making appointments. The commmissioner, within the limits of his appropriation, shall have power to appoint and remove subject to the requirements of the civil service law such subordinate officers and assistants as may be necessary for the efficient performance of his duties as said commissioner.—As amended by Chapter 330, Laws 1910.

Public institutions under the jurisdiction of the commissioner.

Sec. 660. The commissioner shall have jurisdiction over, and it shall be his duty to take charge of and to establish and enforce rules and regulations for all hospitals, asylums, almshouses and other institutions belonging to or hereafter acquired or established by The City of New York, which are or shall be devoted to the care of the feeble-minded, the sick, the infirm and the destitute; except the island known as Ward's Island and the buildings and improvements thereon, and the equipment, fixtures and furniture of the asylums for the insane on said island during the continuance of the lease thereof heretofore made by The City of New York to the State of New York, and except the hospitals specified in title two of this chapter and such other institutions as are by law placed under the charge of some other department or board. Such buildings and grounds on Blackwell's Island as are now used for the care of the insane pursuant to the provisions of chapter two of the laws of eighteen hundred and ninety-six shall, when the insane shall have been removed therefrom, and the buildings and grounds, together with the equipments, fixtures and furniture of the buildings now leased to the state by the county of Kings for the care of the insane, when said lease expires, shall be under the jurisdiction of the commissioner of public charities.

Payments to private institutions.

Sec. 661. No payments shall be made by the city of New York to any charitable, eleemosynary or reformatory institution wholly or partly under private control, for the care, support, secular education, or maintenance of any child surrendered to such institution, or committed to, received or retained therein in accordance with sections six hundred and sixty-four, six hundred and sixty-five, six hundred and sixty-six and six hundred and sixty-seven of this act, except upon the certificate of the commissioner of public charities that such child has been received and is retained by such institution pursuant to the rules and regulations established by the state board of charities. Moneys paid by The City of New York to any such institution for the care, support, secular education or maintenance of its inmates shall not be expended for any other purpose. Whenever the commissioner shall decide, after reasonable notice to the institution and a hearing, that any such child as aforesaid who is received and retained in such institution is not a proper charge against the public, and notice of such decision in writing is given by him to such institution, thereupon all right on the part of said institution to receive compensation from the city for the further retention of the child shall cease. He shall file in the office of the department a statement of the reasons for his decision and of the facts upon which it is founded, and shall furnish a copy to the institution where the child is detained. His decision may be reviewed on certiorari by the supreme court.

Powers of the commissioner as to destitute and other persons.

Sec. 662. The commissioner of public charities shall have all the authority concerning the care, custody and disposition of insane, feeble-minded, sick, infirm and destitute persons heretofore conferred upon the board of public charities and upon the several commissioners of public charities and he shall be subject to the same obligations and discharge the same duties in respect to such persons, except in so far as the same are inconsistent with or are modified by this act and the amendments thereof. The commissioner shall be the overseer of the poor of The City of New York, as constituted by this act. The commissioner shall not have power to dispense any form of outdoor relief except as expressly provided in this chapter, but the commissioner shall have power to pay for the cost of the removal or transportation of any person who may come under his charge whenever in his judgment the city will thereby be relieved from an unnecessary or improper charge. The commissioner shall make provision for the temporary care of vagrant and indigent persons, and shall provide for an investigation into the circumstances of all such persons, and shall cause every person who is found upon investigation to be a vagrant, to be brought before a magistrate pursuant to law. The board of estimate and apportionment and the board of aldermen shall in each year appropriate such sum as in their judgment may be necessary to carry out the provisions of this section.

Classification and instruction of inmates.

(See Code of Ordinances Library.)

Sec. 663. It shall be the duty of the commissioner of public charities to investigate the circumstances of every person admitted to an institution under his charge and of the near relatives of such person. Such investigation shall be made, when practicable, before the admission of such person, and the results of investigation shall be placed on file and preserved with the records of the department. It shall be the duty of the commissioner to cause all the inmates of public institutions under his charge to be classified so far as practicable. The inmates of the almshouse or almshouses shall be classified at the time of their admission upon the basis of previous character and conduct, but such inmates may be transferred or reclassified in accordance with their conduct in the institution. Every inmate of the almshouse whose age and health will permit shall be employed in cultivating the ground under the control of the commissioner, or in manufacturing such articles as may be required for ordinary use in the public institutions under the control of the commisisoner or for the use of any department of The City of New York, or in preparing and building sea walls upon islands or other places belonging to the city, or such mechanical or other labor as shall be found from experience to suit the capacity of the individual. The articles raised or maufactured by such labor shall be subject to the order of, and shall be placed under the control of the commissioner, and all such articles shall be utilized so far as practicable in the public institutions under the charge of the department of charities or in some other department of the city. All the land under the jurisdiction of the commissioner, not otherwise occupied or utilized, and which is capable of being cultivated, shall in the discretion of said commissioner, be used for agricultural purposes. The commissioner, within the limits of his appropriation, may establish and maintain in the public institutions under his charge such schools or classes for the instruction and training of inmates as may in his opinion be desirable and the teachers employed to teach the physically and the mentally defective children in institutions subject to the supervision of said commissioner, shall receive the same rate of compensation for their services as is now or may hereafter be paid to teachers of similar classes in the public schools of The City of New York.—As amended by Laws 1912, Chapter 446.

Powers of the commissioner as to destitute and other children.

Sec. 664. The commissioner, or deputy commissioner of public charities shall have power to commit, to indenture, place out, discharge, or transfer any child who may be in his custody, or who may have been placed by him in an institution as a public charge, whenever in his judgment it shall be for the best interests of such child so to do, and he and his successors in office shall have power to revoke and cancel any such indenture or agreement, and to make contracts for the maintenance of any such child, in placing out or indenturing such children the commissioner or his deputy commissioner, may assign one or more of his subordinates to make the necessary investigations and he may employ any duly incorporated charitable institution or society and may reimburse such institution or society for any expenses, other than salaries, actually incurred in the placing out, supervision and transfer if necessary, of children who are public charges. The word institution, whenever used in this chapter, shall include any charitable corporation, one of whose objects is the care of children or the placing of children in families. An institution to which a child has been committed, as herein provided, shall have the authority to place such child in a family, or bind out such child by indenture, or consent to his adoption. In indenturing, placing out, transferring or committing any such child, the commissioner, or deputy commissioner, or any institution or society employed by him shall, when practicable, indenture or place out such child with an individual of the like religious faith as the parents of such child, or

transfer or commit such child to an institution governed by persons of the same religious faith of the parents of such child. In respect to such minors so committed to or otherwise placed under his charge the commissioner or deputy commissioner shall have such additional powers as were on the first day of January, eighteen hundred and ninety-eight, vested by law in the corresponding officers of the corporation known as the mayor, aldermen and commonalty of The City of New York, of the corporation known as the city of Brooklyn, and the counties of Kings, Richmond and Queens mentioned in section six hundred and sixty-two of this act. The commissioner or his deputy commissioner shall not commit children to any institution which shall have been certified by the State Board of Charities to have failed to comply with the rules and regulations established by that board pursuant to section fourteen of article eight of the constitution, nor shall he commit any child to any institution not situated in The City of New York unless such institution shall have been certified by said board to be properly protected from fire and other dangers.—As amended by Laws of 1905, chapter 187.

Notice of commitment of children.

Sec. 665. Whenever any child, actually or apparently, under the age of sixteen years, is brought before any court or magistrate in The City of New York, as constituted by this act, pursuant to section eight hundred and eighty-eight of the code of criminal proceedure, or is found destitute of means of support the magistrate presiding, or court before whom or which such child is brought shall thereupon fix a day not more than five days distant for the hearing and final disposition of the charge against said child, and shall, at the same time, in addition to such other notices as may be required by law, give notice, in writing, of such arrest to the commissioner of public charities and to the Society for the Prevention of Cruelty to Children duly authorized to carry on its work in the county in which said arrest is made, which notice shall state the name of the child, its age, either actual or apparent, its sex, color, birthplace, residence, father's name, mother's name, parents' religion and parents' occupation, each if known; the specific charge upon which the arrest is made; the name of the officer making the arrest, and the name and address of the complaining witness, if any there be. And such court or magistrate may temporarily commit such child to the custody and care of an institution to which said court or magistrate is authorized by law to make final commitment.

Children committed as public charges; investigation.

Sec. 666. The commissioner may appear either by clerk or by counsel on all hearings or proceedings for the commitment of children. He shall investigate the circumstances of their relatives, whose duty it is to relieve and maintain them, and shall on or before the final hearing therein, file with the court or magistrate a statement in writing of such fact or facts as in the opinion of the commissioner render it proper or improper that such child should be supported as a public charge at the expense of the city; and such written statement of fact or facts when so filed shall be preserved with and form a part of the record of the proceedings instituted by the arrest of such child. Omission or failure to file such statement shall not be ground for delaying the final decision.

Term of commitment of children; discharge.

Sec. 667. The term of commitment of each child committed in the city of New York, as constituted by this act, under any of the provisions of sections six hundred and sixty-four, six hundred and sixty-five, and six hundred and sixty-six of this act shall be until such child shall attain the age of sixteen years or until it shall be duly indentured or placed out as an apprentice by the institution to which it shall have been committed or until it shall be given over in adoption by said institution to some suitable person, or until returned to its parents, relatives, or guardians, or otherwise discharged, except that such child may be committed to an institution caring for inmates of like religious belief and giving it manual or industrial training until it shall attain the age of eighteen years, provided the state board of charities shall certify that the equipment and training at such institution are sufficient and satisfactory. Each institution mentioned in section six hundred and sixty-one of this act, shall file with the commissioner at the end of every three months a list of all the children referred to in sections six hundred and sixty-one, six hundred and sixty-four, six hundred and sixty-five and six hundred and sixty-six of this act, received by or discharged from said institution during the month, which list shall contain the names and residence of the parents and guardians of the children as far as known. Every such institution shall keep a book in which it shall cause to be entered the name and address of each parent, relative or other person visiting an inmate of such institution who is in whole or in part a charge upon The City of New York, and such name and address shall be entered upon the occasion of each visit by any such person.—As amended by Laws 1909, Chapter 348.

Saving clause as to certain existing laws.

Sec. 668. Nothing contained in the foregoing sections shall be construed to alter or affect any provision of chapter one hundred and seventy-two of the laws of eighteen hundred and sixty-five, or of chapter four hundred and thirty-nine of the laws of eighteen hundred and ninety-two, or of chapter three hundred and fifty-three of the laws of eighteen hundred and eighty-six.

Record of inmates of institutions.

Sec. 669. It shall be the duty of the commissioner of public charities to keep and preserve a proper record of all persons who shall come under his care or custody and of the disposition made of such persons, with full particulars as to the name, age, sex, color and nativity of each, and in case of minors the names and residence of parents and their religious faith so far as ascertained, and the religious faith and residence of the persons or families with whom or of the persons in charge of the institution in which they are placed, together with copies of any instrument of indenture or agreement executed by such commissioner. And it shall also be the duty of the said commissioner to keep and preserve such records of all persons who are inmates of private institutions who are accepted by him as proper charges upon the city.

Temporary care in accident cases.

Sec. 670. Any person injured or taken sick on the streets or in any public place with said city, who may not be safely removed to his or her home, may be sent to and shall be received in any public hospital within said city, for temporary care and treatment, irrespective of his or her place of residence

Temporary care of insane.

Sec. 671. The commissioner shall provide and maintain as may be necessary suitable rooms or wards for the reception, medical examination and temporary care of persons alleged to be insane for the boroughs other than Manhattan and The Bronx.

Alteration and repair of building.

Sec. 672. The commissioner whenever the increase of inmates in or the proper care and government of the public institutions or establishments under his jurisdiction shall in his judgment render it necessary or expedient, shall have power provided an appropriation has been made therefor to enlarge or alter the buildings occupied by such institution or establishments or any of them, and to make all needful repairs to buildings and property under his control.

Potter's field; power to establish crematories.

Sec. 673. The commissioner shall have charge of the Potter's Fields, and shall, when the necessity therefor shall arise, have power to lay out additional Potter's Fields or other public burial place for the poor and strangers, and from time to time to enclose and extend the same, to make enclosures therein and to build vaults therein, and to provide all necessary labor therefor and for interments therein. Provided, however, that the Potter's Field on Hart's Island shall remain under the control of the department of correction, and the burial of deceased paupers therein shall continue under rules and regulations as provided in section six hundred and ninety-five of this act. The commissioner of public charities and the commissioner of correction are respectfully empowered to cause to be cremated the bodies of deceased paupers and criminals where relatives do not object to such cremation; and the board of estimate and apportionment, with the approval of the board of aldermen, may cause to be erected and equipped with proper facilities for such cremation.

Accounts; annual estimates; expenditures.

Sec. 674. The commissioner shall keep accurate and detailed accounts, in a form approved by the comptroller, of all moneys received and expended by him, the sources from which they are received and the purposes for which they are expended. The commissioner shall, on or before the first day of September in each year, prepare an itemized estimate of his necessary expenses for the ensuing fiscal year, which shall be submitted to the board of estimate and apportionment within the time prescribed by this act for the submission of estimates for the several departments of the city. The commissioner shall incur no expense for any purpose in excess of the amount appropriated therefor; nor shall he expend any money so appropriated for any purpose other than that for which it was appropriated.

Advertisements for supplies.

Sec. 675. The commissioner of public charities shall from time to time, and if it be necessary, advertise in the City Record and the corporation newspapers for not less than ten days for proposals for such articles and supplies as shall be necessary to be used in and for the relief and support of the poor of the city, and which cannot be supplied by his department or by the department of correction, and shall award contracts for the same to the lowest bidders, who shall give adequate security for the faithful performance of such contracts. In case of an emergency or in the purchase of perishable articles the commissioner may purchase without calling for competition at a total expense not exceeding three thousand dollars during any one month. The commissioner shall in the case of each such purchase enter in a book to be kept for that purpose, a detailed statement of the facts which render purchase by contract impracticable.

Expenditures for the relief of the blind.

Sec. 676. The commissioner is hereby authorized and empowered to insert in his annual estimate of expenditures an item of expenditure for the relief of the poor adult blind not to exceed in all one hundred and fifty thousand dollars. The commissioner shall distribute the sum so appropriated each year in uniform sums not to exceed one hundred dollars to each person, to such poor adult blind persons, not

inmates of any of the public or private institutions in the city of New York, who shall be in need of relief and who shall be citizens of the United States, and shall have been residents of said city continuously for two years previous to the date of application for such relief. Such distribution shall be made in semi-annual payments within ten days after the first day of July and December, respectively.

To provide the commissioner of public charities with additional funds, if any are needed, for paying during the current year the increased allowances created by this act, the comptroller of said city may, when so directed by the board of estimate and apportionment of said city, issue and sell certificates of indebtedness. [As amended by Laws of 1913, chap. 299.]

Detail of inmates of correctional institutions to work in department.

Sec. 677. The commissioner may, from time to time, in his discretion, request the department of correction to detail and designate inmates of the correctional institutions of the city to perform necessary work, labor and services in and upon the grounds and buildings which are under the charge of the said commissioner, and such inmates of such correctional institutions when so employed shall at all times be under the personal oversight and direction of a keeper or keepers from such correctional institutions as the department of correction may deem necessary; but no inmate of any correctional institution shall be employed in any capacity whatever in any ward of any hospital under the jurisdiction of the department of public charities while such ward is being used for hospital purposes. The provisions of this section shall not be construed to limit the power of said commissioner to make requisition upon the commissioner of correction as provided by section seven hundred and one of this act.

Care of non-residents in city hospitals.

(See Code of Ordinances Library.)

Sec. 678. The commissioner of public charities is hereby authorized in his discretion to permit the reception and treatment in hospitals under his jurisdiction of persons who do not reside in The City of New York, provided that every person so receiving treatment shall be required to pay such sum for board and attendance as may be fixed by such commissioner, and provided that no such persons shall be received to the exclusion of patients who reside in said city. Such commissioner shall collect and pay over all such moneys to the chamberlain once every month, and the amount so collected shall be paid into the general fund. The commissioner shall upon making such payments to the chamberlain report the same to the comptroller of The City of New York.

Requisitions of subordinate officers.

Sec. 679. Each superintendent, warden or chief officer of every institution under the charge of the commissioner shall make his requisition in writing on the commissioner for all articles deemed necessary by the said officer to be used in the respective institutions under his charge, and shall keep an accurate account of the same.

Reports of subordinates officers.

Sec. 680. Each such superintendent, warden or other chief officer of every institution under the charge of the commissioner shall once in each week report in writing to the commissioner the number of persons who have been received or transferred, who are sick, who have died, and who are remaining in the respective institutions under his charge, the discipline which has been maintained therein the punishments imposed, and the quantity and kind of labor performed, and such other information as the commissioner may require.

Sec. 681. Repealed by Act of 1902.

Hours of labor; discipline.

(See Code of Ordinances Library.)

Sec. 682. The hours of labor required of any pauper or other person committed to or placed under the charge of the commissioner of public charities shall be fixed by the commissioner. In case any such pauper shall neglect or refuse to perform the work allotted to him or her by the person in charge, or shall violate the rules and regulations of the institution, it shall be the duty of the superintendent of the almshouse to report such insubordination or violation to the commissioner, who may thereupon direct the punishment of such pauper by solitary confinement and by being fed on bread and water only for such length of time as he may consider necessary. In case any pauper shall neglect to perform the work assigned to him or her, or be guilty of any such violation on three or more separate occasions, the said commissioner may cause such pauper to be brought before the proper court or magistrate, and such court or magistrate may commit such pauper to the workhouse or penitentiary as a disorderly person.

Concerning the support of poor persons by relatives.

Sec. 683. The grandparents, parents, children and grandchildren of sufficient ability, of a poor person who is insane, blind, old, lame, impotent or decrepit, so as to be unable by work to maintain himself, and the grandparents and parents of a desitute child, must at their own charge relieve and maintain him in the manner to be approved by the commissioner. If the relative of a poor person of sufficient ability fails to maintain and relieve him, as in this section provided, the said commissioner may apply to any city magistrate, or any court of record having jurisdiction of the defendant, for an order to compel such relief, and the proceedings to be taken to make such an order, and the enforcement thereof, shall be the same and in like manner as those provided in section six hundred and eighty-five and six hundred and eighty-six of chapter four hundred and sixty-six of the laws of nineteen hundred and one.—As amended by Laws 1904, Chapter 362.

Conduct of bastardy proceedings.

Sec. 684. All bastardy proceedings shall be conducted by and in the name of the commissioner, and the amount collected shall be paid to the commissioner, to be by him applied to the support of the child or of the child and its mother, and shall be accounted for by him in a manner approved by the comptroller. The commissioner shall have authority to compromise bastardy and abandonment cases.

Maintenance of abandoned wives and children.

Sec. 685. Every person in the city of New York, as constituted by this act, who actually abandons his wife or children without adequate support, or leaves them or either of them, in danger of becoming a burden upon the public, or who neglects to provide for them, or either of them, according to his means, or who threatens to leave his wife and children without adequate support or in danger of becoming a burden upon the public, or who shall have abandoned his wife and children, or either, in any other place and is found in the city of New York, when his wife and children, or either, are residents thereof and are without adequate support, or in danger of becoming a burden upon the public, or who, by reason of his conduct, or of his cruel or inhuman treatment, or by reason of his neglect or refusal to provide for his wife and children, or either, with the necessaries of life, renders it unsafe, improper or impossible for them to live with him, by reason of which they are without adequate support, or in danger of becoming a burden upon the public, is hereby declared a disorderly person.

Upon a complaint made under oath to him against a person as being disorderly, a city magistrate presiding in the domestic relations court for the boroughs of Manhattan and the Bronx and the borough of Brooklyn, and in the other boroughs of the city of New York to a city magistrate thereof presiding in any city magistrate's court therein may issue a warrant for the arrest of the defendant, or, in his discretion, a summons in the form prescribed by section eighty-two of chapter six hundred and fifty-nine of the laws of nineteen hundred and ten, said summons to be served as by said magistrate directed, including mail service, and who, upon his arrest or appearance, shall be arraigned in the manner provided by law. No warrant or summons shall be issued except upon the application of the commissioner of public charities, unless for good cause shown the magistrate may issue same if in his discretion he deems it proper so to do.

And if thereupon it shall appear by the confession of the defendant or by competent testimony that he is a disorderly person, the said magistrate shall make an order specifying a fair and reasonable sum of money, according to his financial ability, to be paid weekly for the space of one year thereafter by such defendant to the commissioner of public charities for the support of his wife or children, or either of them, and may require him to give security by a written undertaking, with one or more sureties, approved by the magistrate to that effect. But in lieu of said undertaking, the said defendant may deposit with the clerk of the said court the amount thereof in cash. Said magistrate shall have full power and authority to administer the oath to said principal and surety in said undertaking as to the truth of the statements therein and any justification or statement attached thereto or accompanying the same, and full power and authority to take acknowledgments thereto of any of the parties to the same with like power and effect as if sworn to and acknowledged before a notary public in the county wherein the same may be taken or acknowledged. Any magistrate of the city of New York shall have power to take the security aforesaid with like power and authority as if he made the order aforesaid.

The wife and children, or either of them, are hereby declared to be the primary beneficiaries of the order, and evidence that they are without means shall be presumptive proof of their liability to become a charge upon the public.

Upon the trial of the hearing of all complaints under this section, the wife shall be a competent witness therein against her husband as to all matters embraced in said complaint.

If a summons be directed to be served by mail by said magistrate, and the party summoned fails to appear, no further proceedings shall be had against said party summoned by mail, until said party is brought into court by warrant or otherwise, or unless he appears in person or by an attorney or counsellor-at-law in said proceeding.

But nothing in this chapter shall apply to or affect an order for the payment of money for the support of a child in an institution, pursuant to the provisions of section four hundred and eighty-two of the penal law or of section nine hundred and twenty-one of the code of criminal procedure.—As amended by Laws of 1914, chap. 457.

Orders and commitments in abandonment proceedings; surety.

Sec. 686. If the undertaking be given, or the cash deposited, the defendant must be discharged. But if not, the city magistrate must convict him as a disorderly person and must make up and sign with his title of office, and file in the office of the clerk of the county in which such conviction is had, a record of the conviction of such offender as a disorderly person, specifying generally the nature and circumstances of the offense and the name of the witnesses by whom it has been established, and shall by a warrant of commitment signed by him with his title of office commit the defendant to the workhouse of the city of New York, and to the city prison or jail in the borough where the conviction is had pending his transfer to said workhouse, if necessary, there to remain for a term not exceeding six months in any year, or until he shall give the security prescribed in section six hundred and eighty-five or is discharged according to law.

But the magistrate may, in his discretion, place the defendant on probation in accordance with the provisions of chapter six hundred and fifty-nine of the laws of nineteen hundred and ten Or said magistrate, in his discretion, shall have power to place said defendant on probation for such time as said magistrate may deem proper, not longer, however, than one year, conditioned that said defendant shall support his said wife and children, or either of them, for such period in a way and manner directed to be done by said magistrate, regard being had to the financial condition and means of livelihood of said defendant. Further, upon the consent of the defendant, the said magistrate may, before or after conviction as aforesaid, place the defendant for a period aggregating not more than one year, under the oversight of a probation officer and adjourn the said proceedings from time to time upon conditions and terms by him deemed proper and meet for the proper support of said wife and children, or either; or may cause the person summoned or arraigned to give an undertaking to the commissioner of public charities of the city of New York for not exceeding one year, with or without surety, in a sum fixed by said magistrate. The condition of such bond shall be that if the obligor shall pay the amount ordered to be paid by said magistrate for the maintenance of said wife, child or children as directed, then said obligation shall be void; otherwise, to remain in full force and virtue.

The magistrate making the order, or the magistrate sitting in the court where the order was made, may, at any time thereafter, upon due notice to the parties, either upon their

consent, or for good cause shown, vacate or modify the order and judgment, and may, if the defendant be imprisoned, either discharge the defendant absolutely, or place him on probation; or, if the defendant be not imprisoned, may cancel any bond or undertaking given therein.—As amended by Laws of 1914, chap. 463.

Actions on bonds in abandonment proceedings.

Sec. 687. Every action brought upon any undertaking given in an abandonment proceeding shall be brought in the name of the commissioner of public charities and in such action it shall not be necessary to prove the actual payment of money by the commissioner of public charities, but the neglect to pay the sum ordered to be paid by competent authority for the support of the wife or children shall be a breach of the undertaking and the measure of damages shall be the sum ordered to be paid and which was withheld at the time of the commencement of the action with interest thereon; after the recovery of damages or the commencement of an action, another action may, in the same manner be brought for further breach of the undertaking and all moneys recovered in any action shall be paid to the commissioner to be by him expended for the support of the wife and children, or either or any of them, of the person against whom the order provided for in section six hundred and eighty-five of this act shall have been made and provided, however, that a surety on an undertaking given to secure the payment of money for the support of the wife or children may at any time surrender the defendant to the court or magistrate who made the final order, or to the domestic relations courts in the boroughs of Manhattan and the Bronx and the borough of Brooklyn where the order was made by a magistrate sitting in said boroughs respectively, who shall hold him subject to and as provided in the final order until another undertaking is given as in said final order provided, and said surety shall be relieved of any damages upon the undertaking except the sum ordered to be paid and which was withheld at the time of such surrender with interest thereon. If the person charged with the offenses hereinbefore recited be admitted to bail, for his future appearance the condition of the undertaking shall be for the future appearance of the defendant according to the terms of the undertaking, or that the surety will pay to the commissioner of public charities a specified sum in the event of such failure to appear. Instead of entering into such an undertaking, a defendant may deposit a sum of money in the manner provided by section seventy-six of chapter six hundred and fifty-nine of the laws of the year nineteen hundred and ten, and by him to be paid to the commissioner of public charities in case the defendant fails to appear, to be by said commissioner applied for the benefit of said wife, child or children as it may be necessary. And if such person shall thereafter fail to appear in accordance with the terms of said undertaking or the terms upon which the money was deposited, then the said magistrate shall enter the fact of such person's non-appearance upon the minutes and the undertaking for his appearance, or the money deposited in lieu thereof, shall thereupon be forfeited.—As amended by Laws of 1912, Chapter 451.

Recoveries in abandonment, neglect to provide, relieve and maintain proceedings.

Sec. 688. Upon the forfeiture of an undertaking or bond given in an abandonment or neglect to support proceedings as provided in the foregoing sections, the corporation counsel of the city of New York, acting for and in behalf of the commissioner of public charities of said city, shall cause to be filed in the office of the clerk of the respective counties of The City of New York in which said undertaking or bond may have been taken said undertaking or bond, together with a certified copy of the order of the court forfeiting the same, and thereupon the said clerk shall docket the same in the book kept by him for the docketing of judgments, transcripts whereof are filed with him as such clerk, as if the same was the transcript of a judgment directed for the amount of the penalty, and the undertaking or bond and a certified copy of the order forfeiting the same shall be the judgment record; such judgment shall in good faith be a lien on the real estate of the persons entering into such undertaking or bond against the estate of the persons entering into such undertaking or bond, from the time of filing said undertaking or bond and a copy of the order and docketing the same, as in this section directed; an execution may be issued to collect the amount of said undertaking or bond in the same forms as upon a judgment recovered in any court of record in said counties, respectively, in an action of debt in favor of the commissioner aforesaid. The amount recovered on said undertaking or bond and judgment aforesaid shall be applied and expended for the support of the wife and children, or either or any of them, of the person charged with the offenses hereinbefore recited or either or any of such offenses, and when any money has been deposited instead of bail and which shall have been forfeited as hereinbefore provided, said money shall be paid to the commissioner, by the person with whom the said sum of money is deposited, upon presenting to him a certificate from the city magistrate who made the order of forfeiture certifying to the forfeiture thereof, which said certificate shall state the name of the person making the deposit, when it is made, the name of the defendant, and that the said sum of money was forfeited on account of the defendant's failure to appear as directed, and shall be signed by said magistrate.—As amended by Laws 1912, Chapter 418.

Appeals in abandonment proceedings; costs.

Sec. 689. An appeal to the court of general sessions may be taken from a conviction before a city magistrate under this chapter within the county of New York, or to the county court in any other county within the city of New York, which said appeal shall be conducted in accordance with the provisions of the code of criminal procedure of the state of New York, except that the judge allowing the appeal must take from the defendant a written undertaking in such sum and with such sureties as he may approve, that the defendant will abide the judgment of the appellate court upon the appeal, and will pay all costs which may be awarded against him, and except that all notices required by said code of criminal procedure to be served upon the district attorney upon such appeal shall be served upon the commissioner of public charities, and the commissioner may appear by counsel upon the hearing of such appeal.

No appeal taken by a defendant from an order of any city magistrate, directing payment of any moneys for the support of said defendant's wife or children, shall operate as a stay of proceedings in respect to said order, unless in addition to the undertaking provided for herein, said appellant shall deposit with the commissioner of public charities the sum of one hundred dollars in cash, which sum may be applied for the support of said wife or children respectively during said appeal, or he shall give sufficient surety by a written undertaking approved by the judge of the appellate court that, during the pendency of said appeal, he will pay the amount directed to be paid by said magistrate, which cash so deposited, or said undertaking so given as aforesaid shall be in addition to the security by undertaking required to be given by the sections of the criminal code hereinafter referred to.

The court, in its discretion, may award costs to the party in whose favor the appeal is determined, as follows: To the appellant upon reversal, thirty dollars; to the respondent upon affirmance, twenty-five dollars. When awarded to the appellant they must be paid by the controller of the city of New York, upon the delivery to him of a certified copy of the order of reversal, and must be charged to the contingent account fund of the commissioner of public charities. When awarded to the respondent the payment may be enforced as in a civil action, and in an action brought therefor against the sureties upon the undertaking given upon the allowance of the appeal, the production of a certified copy of the order of affirmance shall be conclusive evidence. If a new trial be ordered it must be had in the court from which the appeal was taken.

An appeal to the court of general sessions may be taken in abandonment proceeding on behalf of the complainant by the commissioner of public charities in his own name, from a decision or judgment of a city magistrate under this chapter, within the county of New York, as constituted by this act.

For the purpose of appealing the commissioner must within sixty days after such decision or judgment make an affidavit reciting the alleged errors in the proceeding in which the decision or judgment was rendered, and must within that time present to the county judge of the county where the proceeding was brought or to a justice of the supreme court in that department, and apply thereon for an allowance of the appeal.

If, in the opinion of the judge or justice before whom the affidavit is submitted, it is proper that the questions set forth in the affidavit should be decided by the appellate court, the judge or justice must endorse upon the affidavit an allowance of an appeal to the court to which the appeal may be taken as aforesaid and the commissioner must within five days thereafter serve a copy of such affidavit upon which the appeal was granted, together with a notice that the same has been allowed, upon the defendant in the abandonment proceeding or upon the attorney or counsel who last appeared for the defendant therein.

Sections seven hundred and fifty-five, seven hundred and fifty-six, seven hundred and fifty-seven and seven hundred and fifty-eight of the code of criminal procedure shall apply to the appeal herein provided.

The appeal may be brought to argument by the commissioner or the defendant upon ten days' notice to the opposite party, to be served personally on the commissioner, or either personally upon the defendant or personally upon the attorney who last appeared for the defendant.

The appeal shall be heard and disposed of in the manner provided by sections seven hundred and sixty-three, seven hundred and sixty-four, seven hundred and sixty-five, seven hundred and sixty-six and seven hundred and sixty-nine of the code of criminal procedure, except that if a new trial be ordered it shall be had in the court from which the appeal was taken, and, pending such new trial, the judge shall issue a warrant for the arrest of the defendant, and may hold him to bail as upon an indictment.

If the judgment on the appeal be against the complainant, the commissioner may appeal therefrom to the appellate division of the supreme court in the same manner as the defendant.

Upon an appeal taken by the commissioner of public charities no costs shall be awarded to either party.—As amended by Laws of 1914, chap. 462.

When new security may be required after an order in abandonment proceedings.

Sec. 690. After an undertaking has been given by the defendant in abandonment proceedings as prescribed in section six hundred and eighty-five and section six hundred and eighty-six, upon proof by affidavit by the commissioner of public charities that he has caused diligent efforts to be made to serve personally upon a surety upon such undertaking a summons in an action brought thereon for a default in the terms thereof, but has been unable to effect service upon such surety; or that a recovery cannot be had thereon; or that the judgment obtained upon such such undertaking remains wholly unsatisfied and unpaid; or that a surety has been adjudged a bankrupt, the city magistrate then sitting in the court in which such undertaking was given, or in the boroughs of Manhattan and the Bronx, and the borough of Brooklyn, the magistrate sitting in the domestic relation courts in said boroughs respectively where the final order was made by a magistrate sitting in said boroughs respectively, may issue a warrant for the arrest of the defendant in whose behalf the undertaking was given, and require him to give new security, or in default thereof may commit him, under the original order, in the manner prescribed in section six hundred and eighty-six; provided, however, that the total imprisonment upon such order shall not exceed six months in any year.—As amended by Laws of 1912, Chapter 421.

Support of bastard children.

Sec. 691. If at any time after an order of filiation in bastardy proceedings shall have been made, and an undertaking given thereon, in accordance with the provisions of this act and of the code of

criminal procedure such undertaking shall not be complied with, or that for any reason a recovery thereon cannot be had, or if the original undertaking shall have been complied with, and the sureties discharged therefrom, or if money were deposited in lieu of bail, and the same shall have been exhausted, and the bastard of any county, city or town, or the commissioner of public charities, where the bastard, for whose support the order of filiation was made, shall be at the time, may, upon proof of the makin of the order of filiation, the giving of the above mentioned undertaking, and the noncompliance therewith, or that the sureties have been discharged from their liability, or that for any reason a recovery cannot be had on such undertaking, apply to the court in such county, city or town, having jurisdiction in bastardy proceedings, for a warrant for the arrest of the defendants against whom such order of filiation was made, which shall be executed in the manner provided in the code of criminal procedure for the execution of the warrant; upon the arrest and arraignment of the defendant the said court, upon proof of the making of the order of filiation, the giving of the above mentioned undertaking, and the non-compliance therewith, or that for any reason a recovery cannot be had on such undertaking, shall make an order requiring him to give a new undertaking in the manner provided in subdivision one of section eight hundred and fifty-one of the code of criminal procedure for giving an undertaking on conviction, or upon his failure to so give a new undertaking, shall commit him in the manner provided in section eight hundred and fifty-two of said code of criminal procedure.—As amended by Laws 1904, Chapter 362.

Establishment of day nurseries.

Sec. 691-a. The commissioner of charities, with the approval of the board of estimate and apportionment, may, in his discretion, establish one or more day nurseries, and may adopt rules and regulations for the free admission thereto of children under ten years of age. If authorized by the board of estimate and apportionment, he may select and cause to be acquired therefor, in the name and on behalf of the city of New York, in the manner provided by chapter twenty-one of this act, the land, together with the buildings thereon, situated at the northwest corner of Tenth avenue and Fiftieth street, in the borough of Manhattan, city of New York, which premises are known as five hundred and one West Fiftieth street, together with such other land and buildings situated in the city of New York as he may deem needed therefor, and the acquisition of which the board of estimate and apportionment shall approve.—As amended by Laws of 1911, Chapter 69.

TITLE II.

BELLEVUE AND ALLIED HOSPITALS IN THE CITY OF NEW YORK.

Board of trustees, jurisdiction, powers and duties.

(See Code of Ordinances Library.)

Section 692. 1. On the first day of February, nineteen hundred and two, the jurisdiction of the department of public charities of The City of New York over Bellevue Hospital and the Fordham, Harlem and Gouverneur Hospitals and the Emergency Hospital in East Twenty-sixth street in The City of New York, shall cease, and the care, management and control of such hospitals shall be vested in a board of trustees, which shall on said date succeed to all rights, duties and powers heretofore vested in said department of public charities so far as concerns said hospitals. Said board of trustees shall consist of seven residents of The City of New York, together with the commissioner of public charities, ex-officio. It shall be known as the "Board of Trustees of Bellevue and Allied Hospitals." In the month of January, nineteen hundred and two, the mayor of The City of New York shall appoint one resident of The City of New York to serve as such trustee for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, one for the term of five years, one for the term of six years and one for the term of seven years, from the first day of February, nineteen hundred and two. In the month of January, and on or before the twentieth day thereof, prior to the expiration of the term of office of any trustee, the mayor shall appoint his successor for the full term of seven years. The mayor shall fill any vacancy in the board caused by the death of a trustee, his resignation, removal from the city or otherwise, by the appointment of a trustee to hold office for the unexpired term. Every person appointed to serve as such trustee shall, before entering upon the duties of his office, take and subscribe the oath of office prescribed by the constitution of the state.

2. For the purpose of making the appointments aforesaid, the said mayor shall call upon the president or other executive head of each of the following organizations, to wit; The United Hebrew Charities of The City of New York, the Particular Council of New York of the Society of St. Vincent de Paul in New York, and the New York Association for Improving the Condition of the Poor, to present a list of not less than twice the number of persons to be appointed members of said board of trustees, to fill a vacancy or otherwise. Notice in writing of the dates on which appointments, including the first, to said board of trustees are proposed to be made shall be given by the mayor to each of said presidents or other executive heads at least ten days prior thereto, and such list of names shall be so presented within three days after the receipt of such notice. Said presidents or other executive heads may each submit, or two or more of them may jointly present, such a list of names. Appointments to said board of trustees may in the discretion of the mayor be made from such list or lists.

3. No trustee shall be subject to removal under the provisions of section ninety-five of this act, but any trustee may be removed by the mayor upon proof either of official misconduct or neglect of duty or of conduct which tends to discredit his office or for mental or physical inability to perform his duties, but before such removal he shall receive due and timely notice in writing of the charges and a copy thereof, and shall be entitled to a hearing on like notice before the mayor and to the assistauce of counsel on said hearing. No trustee shall receive pecuniary compensation for his services or be interested directly or indirectly in the furnishing or performing of work, labor, services, materials or supplies of any kind to or for said hospitals by contract, or otherwise. No trustee shall hold any office of emolument under the city, county, state or national government, except the offices of notary public, or commissioner of deeds, or offices in the national guard.

4. The commissioners of the sinking fund of The City of New York shall within thirty days after the passage of this act prepare a plan for the separation from the department of public charities of the said Bellevue hospital, and the Fordham, Harlem, Gouverneur and Emergency hospitals. Such plan shall apportion to each of said hospitals the lands, buildings, fixtures, furniture and other appurtenances and property, and the books, records, vouchers and other papers hitherto used in connection with or for the purposes of said hospitals, and provide in detail for the transfer thereof to said board of trustees of Bellevue and allied hospitals on the first day of February, nineteen hundred and two. It shall further apportion to each of said hospitals, the employes and subordinates of every grade in the service of the department of public charities who shall be in service in and about the said hospitals exclusively on said date. To enable said commissioners to prepare such plan, they shall have access to all of the books and papers which are the property of The City of New York in the custody of said department of public charities, and to visit said hospitals, and to require at any and all times the attendance before them of the commissioner of public charities and of any of his employes and subordinates.

5. Said board of trustees shall organize within ten days after said trustees are appointed. It shall annually choose from its members, at a regular meeting to be held in the month of February, a president and a secretary for the term of one year. It shall establish rules and regulations for the administration and government of said hospitals. It shall administer the moneys appropriated for said hospitals, subject to the general provisions of this act relative to the audit and payment of claims. Said board shall have power to appoint and at pleasure to remove such superintendents, medical officers, subordinate officers and other employes as may be necessary for the efficient management and conduct of said hospitals, subject to the civil service laws and the rules and regulations of the municipal civil service commission. The board of trustees shall keep accurate and detailed accounts, in a form approved by the comptroller, of all moneys received and expended by it, the sources from which they are received and the purposes for which they are expended. It shall, during the month of January in each year transmit to the mayor a report as to the condition of the hospitals under its care and the management thereof during the year ending the preceding thirty-first day of December.

6. The medical board of Bellevue hospital, and allied hospitals, shall be composed of the attending and consulting physicians and surgeons of said hospitals on the first day of February, nineteen hundred and two. They and such successors as the board of trustees may appoint shall serve without pecuniary compensation, and shall hold office so long as they shall perform their duties in a manner satisfactory to the said board of trustees. Vacancies occurring in said medical board shall be filled by the said board of trustees by appointment from the medical profession in The City of New York. The said board of trustees shall, on nomination of the said medical board, appoint medical and surgical house officers to the said hospitals, all of whom shall serve without pecuniary compensation.

7. Any person injured or taken sick in the streets or in any public square or place within The City of New York, who may not be safely removed to his or her home, may be sent to and shall be received by the said hospitals for temporary care and treatment, irrespective of his or her place of residence. The said board of trustees shall provide and maintain suitable rooms or wards for the reception, medical examination and temporary care of persons alleged to be insane.

8. The said board of trustees may permit the reception and treatment in said hospitals of persons who do not reside in The City of New York, provided that every persons so receiving treatment shall be required to pay such sum for board and attendance as may be fixed by said board of trustees, and provided that no such person shall be received to the exclusion of patients who reside in said city. The said board of trustees shall collect and pay over all such moneys to the chamberlain once every month, and the amount so collected shall be paid into the general fund. The said board of trustees shall, upon making such payments to the chamberlain, report the same to the comptroller of The City of New York.

9. The board of estimate and apportionment and the board of aldermen shall in

each year appropriate such sum as in their judgment may be necessary for the support and maintenance of said hospitals. It shall be the duty of the board of trustees thereof to send to the board of estimate and apportionment, on or before the first day of September in each year, an estimate in writing of the sum needed for the eusuing year in the same manner and general form as the heads of departments and other boards of The City of New York are required to furnish.

10. Whenever any sick person in Bellevue or other hospitals hereinbefore mentioned shall, in the judgment of the board of trustees, cease to be a proper case for treatment therein, said board may cause such person to be transferred to the care, custody and control of the commissioner of public charities, who shall forthwith receive and care for such person. In case any sick person under treatment in any of said hospitals shall die while under the care of the board of trustees, the latter, by their properly designated officer or employe, may call upon the commissioner of public charities forthwith to receive and remove the body of such person, aud it shall thereupon be the duty of such commissioner forthwith to receive and remove the same for burial or other proper disposition. The cost and expense of such reception, removal, burial or other proper disposition shall be borne and paid by the department of public charities.

11. In order that suitable trained nurses for the sick in Bellevue and other hospitals may be provided, the board of trustees of Bellevue and allied hospitals shall have power, subject to the approval of the mayor of The City of New York as to terms and conditions, to enter into a contract or contracts with the Bellevue training school for nurses for the occupation and use of any building or buildings as a training school for nurses, for the purpose of continuing, improving and increasing its service in supplying to Bellevue and other hospitals trained nurses for the sick in said hospitals.—Added by Laws 1906, Chapter 153.

TITLE III.

Board of Inebriety.

Sec. 693. 1. The board of estimate and apportionment of the city of New York may by resolution determine that there shall be in the said city a board of inebriety. When the board of estimate and apportionment shall have so determined by resolution the mayor of the city of New York shall appoint in the manner hereinafter provided a board of inebriety. This board shall consist of seven members, five of whom, hereinafter known as the appointive members, shall be appointed by the mayor, and two of whom shall be physicians. The commissioner of public charities and the commissioner of correction shall be ex-officio members of the said board. One of the appointive members of the board shall be appointed for one year, one for two years, one for three years, one for four years, and one for five years. Upon the expiration of the term of office of a member of the board, the mayor shall appoint his successor for the term of five years. The mayor shall fill any vacancy in the board caused by the death or removal from the city of a member other than the commissioner of public charities and the commissioner of correction, by the appointment of a person for the remainder of the term of such member. The members of the board shall serve without pay. No member shall be interested directly or indirectly in the furnishing or performing of work, labor, services, materials or supplies of any kind to or for the board.

2. In appointing members of the board of inebriety, the mayor shall call upon the president or other executive head of each of the following organizations: The United Hebrew Charities of the City of New York, the Particular Councils of New York and Brooklyn of the Society of Saint Vincent de Paul, the New York Association for Improving the Condition of the Poor, and the Brooklyn Bureau of Charities to present a list of not less than twice the number of persons to be appointed members of said board of inebriety, to fill a vacancy or otherwise. Notice in writing of the dates on which appointments, including the first, to the board are proposed to be made shall be given by the mayor to each of said presidents or other executive heads at least ten days prior thereto, and such list of names shall be so presented within ten days after the receipt of such notice. Said presidents or other executive heads may each submit, or two or more of them may jointly present, such a list of names. Appointments to the board may, in the discretion of the mayor, be made from such list or lists.

3. The board shall appoint a chief executive officer who shall be its secretary, and shall appoint such number of field officers, clerks and other employees, as its work may require, and as the board of estimate and apportionment may authorize. It shall exercise general control over the work of such secretary, field-officers, clerks and other employees.

4. The board shall maintain a central office for the boroughs of Manhattan and The Bronx, and a central office for the boroughs of Richmond, Brooklyn and Queens, each of which offices shall be always open, Sundays and holidays included. It shall maintain at each such office a central bureau of records of males arrested for public intoxication within the boroughs assigned to such office.

5. The board shall, with the approval of the board of estimate and apportionment, acquire by purchase or condemnation a site, suitable for a hospital and industrial colony for the care and treatment of inebriates and shall establish, equip and maintain a hospital and industrial colony thereon. The hospital and industrial colony may be within or without the city of New York. It shall provide for the care, treatment and occupation of inebriates in accordance with methods approved by medical science. If the hospital and industrial colony be located without the city the board may, with the approval of the board of estimate and apportionment, establish a reception hospital within the city.

6. Whenever, after the board of inebriety shall have been appointed and shall have certified in writing to the mayor that the hospital and industrial colony of said board is ready to receive inmates, a male person shall be arrested for public intoxication, the fact of such arrest and the name and address of the person arrested, if it can readily be ascertained, shall be reported forthwith by telephone or otherwise to the office of the board for the borough in which the arrest is made by the person in charge of the station house to which the arrested person is taken. The board shall thereupon cause an investigation to be made by one of its field officers, concerning the person so arrested, ascertaining as far as may be possible the name, the address, the persons, if any, dependent upon him for support, his place of employment, if any, whether previously arrested for public intoxication, and if so, how many times, consulting as a part of such investigation the central bureau of records of arrests for public intoxication. If the investigation shows that the person has not been arrested for public intoxication so far as can be ascertained for the period of twelve months next preceding, the field officer shall, when the arrested person shall have recovered sufficiently from his intoxication, inform him that he may sign a request for his immediate release, addressed to the court having jurisdiction. Such request shall give the name and address of the arrested person and shall set forth what persons, if any, are dependent upon him for support, his place of employment, if any, and shall state that he has not been arrested for public intoxication within the twelve months next preceding. If such a request be signed, the field officer shall so inform the officer in charge of the place of custody of the arrested person and such officer shall thereupon release the person forthwith. The field officer shall, for the use of the court having jurisdiction of the case, transmit to said court such application, together with a report of the results of the investigation of the case made by said field officer. Such report shall contain such information as shall have been gathered by the field officer, together with a statement of the sources of such information. In case a field officer discovers that a person arrested for public intoxication has been arrested within the twelve months next preceding, he shall report the results of his investigation to the court having jurisdiction of the case.

7. After the board of inebriety shall have been appointed and shall have certified in writing to the mayor that the hospital and industrial colony of said board is ready to receive inmates, any male person who is a resident of the city of New York and who is adjudged by a court of record to be an inebriate may, upon his own application or upon the petition of a relative or of the commissioner of public charities or the board of trustees of Bellevue and allied hospitals, and upon the certificate of two medical examiners in lunacy, be committed by such court to the board for a period of not less than one year nor more than three years. The provisions of law relating to the commitment of insane persons shall, so far as may be practicable, apply to the commitment of persons as inebriates under this subdivision of this section. For the purposes of this section, an inebriate shall be a person who is incapable of properly conducting himself or his affairs, or is dangerous to himself or others, by reason of habits of periodical, frequent or constant drunkenness induced either by the use of alcoholic or other liquors, or of opium, morphine or other narcotic or intoxicating or stupefying substance.—Subdivisions 6 and 7, as amended by Laws 1911, Chapter 682.

8. Any person who shall bring, or cause to be brought, any intoxicating liquor or narcotic drugs upon premises used by the board for patients committed to it, except upon the written order of the superintendent of such institution, or who shall furnish any patient in any institution maintained by the board any intoxicating liquor or narcotic drugs, except upon the written order of a physician who is a member of the medical staff of the institution, shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by imprisonment for not less than thirty days nor more than one year or by a fine of not less than fifty dollars nor more than five hundred dollars.

9. The board may parole upon such terms as it may deem wise any person committed to its care and receiving treatment in its hospital and industrial colony wherever in its judgment such course would be wise. The person so paroled shall remain under the supervision of a field officer of the board, until the board considers that such person may safely be released from its supervision, or until the expiration of the maximum term for which such person was committed to its care. A field officer of the board, upon a warrant issued by the president and secretary of the board, shall arrest and return to the custody of the board any person paroled from such hospital and industrial colony, who shall have violated the terms of such parole. Such arrested person shall, in the discretion of the board, be returned to the hospital and industrial colony for inebriates, or taken before the court which committed such person to the board, whereupon application shall be made by said board to said court for the

commitment of such person as provided in subdivision ten hereof. The board may discharge any person committed to it whenever in its judgment such person may safely be released from its supervision.

10. The board may apply to the court which committed any person to said board to release it from further care and custody of such person. Such application shall set forth facts tending to show that said person, either because of infraction of the rules and regulations of the board, or because of violation of the terms of his parole, or for other reasons, is an unsuitable person for further treatment in the hospital and industrial colony of the said board or under its supervision. The court may thereupon release said board from further custody and care of such person, and may make such other disposition of such person as may be authorized by law.

11. The board of inebriety shall collect money for the maintenance of any person committed to it, if said person, upon investigation, be found able to pay in whole or in part for his maintenance. The amount so collected shall in no case exceed the per capita per diem expense of maintaining patients in the hospital and industrial colony of said board.—As amended by Chapter 551, Laws 1910, Subdivisions 6 and 7, as amended by Laws of 1911, Chapter 682.

TITLE IV.

Board of Ambulance Service.

Sec. 693-a. 1. The commissioner of police, the commissioner of public charities, the president of the board of trustees of Bellevue and allied hospitals and two citizens appointed by the mayor, shall constitute a board, which shall be known as the "Board of ambulance service." The commissioner of police shall be the president of the board; the commissioner of public charities shall be the secretary thereof. The board may appoint such employers within the limits of the appropriation made therefor as it may find necessary in the performance of its duties. Said board shall:

Exercise general control over and establish rules and regulations governing all ambulance service in the city of New York, except such ambulance service as shall be maintained by the department of health.

Establish ambulance districts from time to time and alter the boundaries of such districts.

Enter into a contract in writing with any hospital corporation desiring to maintain an ambulance service, which contract shall define the obligations assumed by said hospital corporation, on condition that the ambulance district defined therein be assigned to it by the board, and reserving to the board the authority to terminate such contract, if, in their judgment, a satisfactory ambulance service is not maintained at all times by the said hospital.

Establish and maintain an ambulance service in any district which, in the judgment of the board, is inadequately provided with ambulance service, when means shall have been provided therefor by the board of estimate and apportionment.

Provide for the reception of all calls for ambulance service from any locality in the city of New York, notify the hospital maintaining an ambulance service in the district from which the call is received, and, in case said hospital has no available ambulance, notify the nearest hospital having an ambulance available. Said board shall keep a record of all such calls and of their assignment by it.

2. Subject to the control of the board of ambulance service, the commissioner of public charities and the board of trustees of Bellevue and allied hospitals shall maintain an ambulance service in connection with each hospital under their respective jurisdiction whenever in their judgment it is desirable so to do.—As added by Laws 1909, Chapter 395.

CHAPTER XIV.

DEPARTMENT OF CORRECTION.

Jurisdiction; salary; regulations; subordinate officers.

Sec. 694. The head of the department of correction shall be called the commissioner of correction. He shall be appointed by the mayor and shall hold office, as provided in chapter four of this act. His salary shall be seven thousand five hundred dollars a year. The commissioner shall have power to establish rules and regulations for the administration of the department and the government of the institutions under his control. He shall have full and exclusive jurisdiction over the several institutions hereinafter specified which are situated or may hereinafter be established within The City of New York as constituted by this act. He shall have his principal office in the borough of Manhattan. He shall have power to appoint and at will to remove a deputy and to define his duties. The salary of such deputy shall be four thousand dollars a year. He shall also have power within the limits of his appropriation to appoint and to remove, subject to the requirements of the civil service laws, such superintendents, wardens and other subordinate officers and assistants as may be necessary for the efficient performance of the duties of the department. The deputy so appointed shall during the absence or inability of the commissioner possess all the powers and perform all the duties of such commissioner except the power of making appointments. The commissioner may delegate to the superintendent or warden in charge of any institution in the department the power to appoint and remove subordinate officers or assistants in such institutions.

Institutions Under the Jurisdiction of the Commissioner.

Sec. 695. The commissioner shall have jurisdiction over and it shall be his duty to take charge of and manage all institutions for the care and custody of criminals and misdemeanants and for the detention of witnesses who are unable to furnish security for their appearance in criminal proceedings which belong to or shall be hereafter acquired by the city of New York except the house of refuge, the Brooklyn disciplinary training school for boys, incorporated societies for the prevention of cruelty to children and such places for the detention of prisoners or persons charged with crime as are by law placed under the charge of some other department, board or officer. The buildings now used as jails in the counties of Kings and Queens are hereby placed under the control and authority of the commissioner; and all prisoners other than those detained by civil process, who by laws are committed to the custody of the sheriffs of the counties of Kings, and Queens respectively, are hereby placed in the custody of the commissioner. The commissioner shall have power to transfer prisoners from any prison or correctional institution under his control to any other prison or correctional institution under the jurisdiction of the department of correction. The commissioners of the sinking fund shall, as provided in section two hundred and five, designate and set aside any portion of these buildings or any other suitable buildings as common jails for the accommodation of prisoners detained by civil process held in the custody of such sheriffs, and such portions of buildings or other suitable building; so designated and set aside shall be and remain under the separate control of the respective sheriffs of the counties aforesaid. Each and every warden, deputy warden, jail keeper, van driver, matron, assistant matron, cook, assistant cook, laundress, cleaner, bookkeeper, jail physician and orderly, who on the first day of January, nineteen hundred and twelve, was in accordance with the provisions of law, employed as such in and about such county jails, and who shall continue to be so employed at the time of the transfer of said jails to the department of correction of the city of New York by virtue of this section; and who shall prior thereto have successfully passed a civil service examination under the civil service law in accordance with the rules and regulations prepared by the municipal or state civil service commissioner, shall be retained and assigned to perform service in the institutions of the department of correction. The commissioner shall also have charge of such other institutions belonging to the city as have been or may be hereafter placed under his jurisdiction by the board of aldermen, the board of estimate and apportionment or by statute. Whenever the state authorities shall have caused the inmates of the lunatic asylum on Hart's island to be removed elsewhere and shall have vacated the buildings now on said island occupied by said asylum, the said buildings, with the grounds thereto appertaining, shall become and be under the charge and control of the department of correction; provided, however, that the burial of deceased paupers shall be continued under regulations established by the joint action of the department of public charities and of correction, or in case of disagreement between said departments, under such regulations as may be established by the mayor of the city. The police commissioner shall transfer to the commissioner of correction the control and management of the house of detention of witnesses. It shall be the duty of all magistrates, when committing witnesses in default of bail in criminal proceedings to continue committing them to places heretofore provided by law for the purpose; provided, however, that the commissioner of correction shall have power in his discretion to discontinue the use of the house of detention of witnesses for the confinement of witnesses and to detain them in like manner and in places similar to those provided by law for the detention of witnesses in counties other than New York county and to transfer them from one such institution to another such institution upon the recommendation of the district attorney.—As amended by Laws of 1910, Chap. 492.

Transfer of inmates to Riker's island and Hart's island.

Sec. 696. The commissioner, whenever, in his judgment, it is expedient and practicable to do so, may cause to be removed to Riker's island, and in case Hart's island shall have been placed under the charge and control of the department of correction, as in section six hundred and ninety-five of this act provided, then also to Hart's island, the inmates of the workhouse and of the penitentiary on Blackwell's island; and he may direct such removals to be made, from time to time, as accommodation for the said inmates may be provided upon Riker's island and Hart's island or elsewhere within The City of New York. And whenever in consequence of such removals or otherwise any of the buildings theretofore occupied or used for said workhouse or penitentiary shall have become vacant, such building or buildings, with the grounds thereto appertaining, shall be transferred to the department of public charities. And whenever any of the said buildings or grounds shall have been so transferred, the commissioner of correction shall have no further rights, duties or obligations in respect to such building or buildings or grounds, but it or they shall thereafter be included in and appertain to the department of public charities of The City of New York, and shall be under the jurisdiction of the commissioner of charities.

Powers of commissioner over criminals and misdemeanants.

Sec. 697. The commissioner shall have all the authority concerning the care, custody and disposition of criminals and misdemeanants which the commissioner of correction of the corporation known as the mayor, aldermen and commonalty of the city of New York, or which the board of charities and correction for the city of Brooklyn and county of Kings as formerly constituted had on the thirty-first day of December, eighteen hundred and ninety-seven, and he shall discharge the same duties and be subject to the same obligations in respect to such persons as the said commissioner and board respectively, except in so far as the same are inconsistent with or are modified by this act. The commissioner shall have no authority and be subject to no obligation in respect to any destitute person not charged with or convicted of crime or misdemeanor.

(See Code of Ordinances Library.)

Section 698, repealed by Chapter 659, Laws 1910. Inferior Criminal Courts Act, to be found in back of this book.

Records of inmates of institutions.

(See Code of Ordinances Library.)

Sec. 699. It shall be the duty of the commissioner to keep and preserve a proper record of all persons who shall

come under his care or custody, and of the disposition of each such person, with full particulars as to the name, age, sex, color, nativity and religious faith of each, together with a statement of the cause and length of detention of each such person. Such record shall be supplementary to and shall be kept separate from the records required to be kept by section seven hundred and nine of this act.

Employment of inmates; articles manufactured; cultivation of lands.

(See Code of Ordinances Library.)

Sec. 700. Every inmate of an institution under the charge of the commissioner, whose age and health will permit, shall be employed in quarrying or cutting stone, or in cultivating land under the control of the commissioner, or in manufacturing such articles as may be required for ordinary use in the institutions under the control of the commissioner, or for the use of any department of The City of New York, or in preparing and building sea walls upon islands or other places belonging to The City of New York upon which public institutions now are or may hereafter be erected, or in public works carried on by any department of the city, or at such mechanical or other labor as shall be found from experience to be suited to the capacity of the individual. The articles raised or manufactured by such labor shall be subject to the order of and shall be placed under the control of the commissioner, and shall be utilized in the institutions under his charge or in some other department of the city. All the lands under the jurisdiction of the commissioner not otherwise occupied or utilized, and which are capable of cultivation shall in the discretion of the commissioner be used for agricultural purposes.

Detail of inmates to work in other departments.

(See Code of Ordinances Library.)

Sec. 701. At the request of any of the heads of the administrative departments of The City of New York (who are hereby empowered to make such request) the commissioner of correction may detail and designate any inmate or inmates of any of the institutions in the department of correction to perform work, labor and services in and upon the grounds and building or in and upon any public work or improvement under the charge of such other department. And such inmates when so employed shall at all times be under the personal oversight and direction of a keeper or keepers from the department of correction, but no inmate of any correctional institution shall be employed in any ward of any hospital, except hospitals in penal institutions, while such ward is being used for hospital purposes. The provisions of this act or of law requiring advertisement for bids or proposals, or the awarding of contracts, for work to be done or supplies to be furnished for any of said departments shall not be applicable to public work which may be done or to the supplies which may be furnished under the provisions of the prison law.

Hours of labor; discipline.

(See Code of Ordinances Library.)

Sec. 702. The hours of labor required of any inmate of any institution under the charge of the commissioner shall be fixed by the commissioner. In case any person confined in any institution in the department shall neglect or refuse to perform the work allotted to him by the officer in charge of such institution, or shall wilfully violate the rules and regulations established by the commissioner or resist and disobey any lawful command, or in case any such person shall offer violence to any such officer or to any other prisoner, or shall do or attempt to do any injury to such institution or the appurtenances thereof or any property therein, or shall attempt to escape, or shall combine with any one or more persons for any of the aforesaid purposes, the officer or officers of such institution shall use all suitable means to defend themselves, to enforce discipline, to secure the persons of the offenders and to prevent any such attempt to escape, and it shall be the duty of the officer in charge of such institution in which such person or persons is or are confined to punish him or them by solitary confinement, and by being fed on bread and water only, for such length of time as may be considered necessary; but no other form of punishment shall be imposed, and no officers of any such institution shall inflict any blows whatever upon any prisoner except in self-defense or to suppress a revolt or insurrection. In every case the officer imposing such punishment shall forthwith report the same to the commissioner and notify the physician of the institution. It shall be the duty of such physician to visit the person so confined and to examine daily into the state of his health until he shall be released from solitary confinement and return to labor, and to report to the commissioner and to the officer in charge of such institution whenever in his judgment the health of the prisoner shall require that he should be released.

Accounts; annual estimate; expenditures.

Sec. 703. The commissioner shall keep accurate and detailed accounts in a form approved by the comptroller, of all moneys received and expended by him, the sources from which they are received and the purposes for which they are expended. The commissioner shall, on or before the first day of September in each year, prepare an itemized estimate of the necessary expenses of the department for the ensuing fiscal year, which estimate shall constitute the annual estimate of the department of correction, and shall be submitted to the board of estimate and apportionment within the time prescribed by this act for the submission of estimates from the several departments of the city. He shall incur no expense for any purpose in excess of the amount appropriated therefor, nor shall he expend any money so appropriated for any purpose other than that for which it was appropriated.

Advertisements for supplies.

Sec. 704. The commissioner shall from time to time, as may be necessary, advertise in the City Record and the corporation newspapers, for not less than ten days, for proposals for all such articles and supplies (excepting perishable articles) as shall be necessary to be used in and for the institutions in the department, except such as the department itself can produce by the labor of the inmates of institutions, and shall award contracts for the same to the lowest responsible bidders who shall give adequate security for the faithful performance of such contracts. In case of an emergency the commissioner may purchase articles immediately required without calling for competition, but the amount expended by the commissioner for articles so required or for perishable articles shall not exceed the sum of two thousand dollars during any one month.

Requisitions and reports of subordinate officers.

Sec. 705. Each superintendent, warden, or other chief officer of any institution under the charge of the commissioner shall make his requisitions in writing upon the commissioner for all articles deemed necessary by the said officer to be used in the institution or institutions under his charge, and shall keep an accurate account of the same. It shall also be the duty of each such superintendent, warden or other chief officer to report once in each week to the commissioner the number of persons who have been received, discharged or transferred, who have become sick or who have died, and the number remaining in the respective institutions under their charge, the discipline which has been maintained, and the quantity and kind of labor performed, and such other information as the commissioner requires.

Collection of fines.

Sec. 706. The department of correction is hereby authorized to demand and receive fines imposed for intoxication and disorderly conduct in The City of New York as constituted by this act in the manner and for the purposes now prescribed by law.

Secs. 707, 707-a, 708, 710 and 711 repealed by Chapter 659, Laws of 1910.

Record of persons committed.

Sec. 709. It shall be the duty of the commissioner to keep a book or books, card index or other register in which shall be properly recorded the names of all persons, whose commitments have been certified to him as required by section seven hundred and eight of this act, and all other facts which shall be certified to him as herein required by the superintendent, warden or shoriff having charge of the institution to which such person shall have been committed. Such book or books, index or register, are hereby declared to be public records and shall be open to public inspection, and shall be indexed and kept so as to show whether any person whose commitments have been so certified to him have been previously committed within two years next preceding such commitment for any of the causes herein specified.—As amended by laws 1905, Chapter 638.

Transfer of inmates by commissioner.

Sec. 712. The commissioner may transfer and commit and cause to be transferred and committed from the workhouse to the city prison, or to either of the penitentiaries or to any other of the institutions in the department, any person committed to the workhouse under section seven hundred and seven of this act, whenever such transfer shall be necessary for the proper care and management of such city prison, penitentiaries or other institution or for the proper employment of such person. The commissioner may also transfer and commit and cause to be transferred from the workhouse to the city prison or said penitentiaries any person committed to the workhouse under section seven hundred and seven of this act, whenever, by reason of the number of offenders actually detained in such workhouse at any time there shall not be accommodation therein for all the persons committed thereto; and in like manner the commissioner may in his discretion transfer prisoners from one penitentiary to another penitentiary within the department or from one district prison to another district prison within the department. The commissioner may also transfer and commit or cause to be transferred and committed from the city prison or either of said penitentiaries to the workhouse to be detained and employed therein any person who shall have been duly committed thereto.

New York City penitentiary, workhouse and reformatory for misdemeanants.

Sec. 712-a. The commissioner of correction of the city of New York may designate any institution or portion thereof, under his jurisdiction, as a part of the New York city penitentiary, or of the New York city workhouse, or of the New York city reformatory for misdemeanants, wherein persons sentenced to the penitentiary, the workhouse and the reformatory may be confined immediately thereafter for not more than thirty days for the purposes of observation and classification. He may designate any institution or portion thereof under his jurisdiction as a part of the New York city workhouse for the confinement of persons sentenced to such workhouse for not more than ten days. The commissioner may also designate the city prison in the borough of Queens or a portion thereof as a part of the New York city penitentiary for the confinement of female prisoners only. Sheriffs or other officers charged with the transportation of persons committed to such penitentiary, workhouse or reformatory shall deliver them to such part thereof as may be directed by the commissioner.—Added by Laws of 1916, Chap. 526.

Alteration and repair of buildings.

Sec. 713. Whenever the increase of inmates in or the proper care and government of the institutions in the department shall in the judgment of the commissioner render it necessary or expedient, he shall have power to enlarge or alter the building or buildings occupied by such institutions; and he shall also have power to make all needful repairs to such buildings and the appurtenances thereto, provided that an appropriation has been made therefor. The commissioner shall when practicable cause the work of such alterations or repairs to be done by persons confined in such institutions.

Additional gifts to be given to inmates on discharge.

Sec. 714. In addition to the donations, provided by the general laws of the state, to be given to inmates of penal institutions upon their discharge, the commissioner of correction shall donate to each inmate serving a term longer than three years the sum of five dollars upon his discharge.

Matrons in prisons for women

Sec. 715. The commissioner of correction may appoint for each prison, jail, workhouse or place of detention, now or hereafter under his jurisdiction where women prisoners are detained, at least one woman, and such other women as in his judgment may be necessary, who shall be known as matrons. The matrons shall have charge of and supervision over all women prisoners and all parts of their respective prisons occupied by such women prisoners, or such parts thereof as may be designated to come under their control by the officer in command thereof. At least one matron shall be on duty in each prison as long as any woman prisoner is detained therein. Matrons shall also search all women visiting any part of such prisons, except as otherwise ordered by the commissioner. No officer other than the matron shall be admitted to the corridor or cells of the women prisoners without the consent of the officer in charge of said prison.—Added by Laws of 1903, Chapter 511.

Matrons to be graded according to service; salary.

Sec. 716. The matrons may be graded into three grades according to their years of service in the department of correction. All matrons who shall have served more than five years may be members of the first grade and shall receive not less than nine hundred dollars as annual pay or compensation; all matrons who shall have served not more than five nor less than three years may be members of the second grade, and shall receive not less than seven hundred and fifty dollars as annual pay or compensation; all matrons who shall have served less than three years may be members of the third grade and shall receive not less than six hundred dollars, as annual pay or compensation; the pay or compensation above provided shall be payable monthly to each person entitled thereto. The board of estimate and apportionment and the board of aldermen may appropriate annually such sum as may be necessary for the appointment, salary and maintenance of matrons. Added by Laws of 1903, Chapter 511.

Former matrons and assistant matrons continued in office.

Sec. 717. All persons now in the employ of the department of correction known as matrons or assistant matrons, and all those by whatever name known, who have performed the duties of matrons as set forth in section seven hundred and fifteen for the last three years in the department of correction are hereby appointed matrons, and shall be continued in office under the title of matrons.—Added by Laws of 1903, Chapter 511.

CHAPTER XIVa.

BOARD OF STANDARDS AND APPEALS; PENALTIES FOR VIOLATION OF ORDERS, ET CETERA, OF BOARD, OF SUPERINTENDENTS OF BUILDINGS AND OF FIRE COMMISSIONER.

Board of standards and appeals.

Sec. 718. 1. Constitution and appointment. The board of standards and appeals is hereby established. The words "the board" when used in this chapter refer to said board. It shall consist of the fire commissioner, the superintendent of buildings, the chief of the uniformed force of the fire department and six other members to be appointed by the mayor who are hereinafter referred to as the appointed members. Of the appointed members first appointed by the mayor, two shall be appointed for terms of one year, two for terms of two years and two for terms of three years, and annually thereafter the mayor shall appoint two members for terms of three years each. At all times there shall be among the appointed members of the board persons qualified as follows: one, other than the chairman, shall have had not less than ten years' experience as an architect; one, other than the chairman, shall have had not less than ten years' experience as a structural engineer; one, other than the chairman, shall have had not less than ten years' practical experience as a builder. The mayor shall designate one of the appointed members of the board as chairman and shall also appoint a secretary. The board shall appoint a chief clerk and such other subordinates as may be needed, who shall receive such compensation as may be provided pursuant to law. The clerk of the board of examiners is hereby transferred to the position of chief clerk of the board of standards and appeals. The chairman of the board shall be an architect or structural engineer of at least fifteen years' experience; he shall receive such annual compensation as shall be fixed by the board of aldermen upon the recommendation of the board of estimate and apportionment, he shall act as chairman of the board and of the board of appeals, and he shall not be engaged in any other occupation, profession or employment. The appointed members of the board other than the chairman shall receive such compensation as may be fixed by the board of aldermen upon the recommendation of the board of estimate and apportionment for each attendance at a meeting of the board.

2. Removal and filling vacancies. The mayor shall have power to remove any appointed member of the board, and the secretary of the board, and to fill vacancies occurring by such removal or other cause. Vacancies shall be filled for the unexpired term of the member whose place has become vacant.

3. Meetings. Meetings of the board and of the board of appeals shall be held at the call of the chairman and at such other times as such boards may determine. All meetings of such boards shall be open to the public. Each board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official action.

4. Bulletin; filing and publication of decision. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the board and of the board of appeals shall immediately be filed in the office of the board and shall be a public record. The board shall print and publish monthly or oftener at its option, a bulletin in which it shall publish every rule, regulation, every amendment or repeal thereof made by the board, and every order, requirement, decision and determination of the board of appeals, and the reasons therefor whenever it shall deem it practical to do so, and such other matters, including indices and digests, as the board may deem it advisable to publish.

Jurisdiction.

Sec. 718-a. The board shall: 1. Have power to test materials to be used pursuant to law, and to make investigations concerning all matters relating to the enforcement and effect of the provisions of this chapter, the building code, and the rules and regulations made by the board;

2. Make, amend and repeal rules and regulations for carrying into effect the provisions of the laws, ordinances and rules and regulations in respect of any subject or matter, jurisdiction whereof is conferred upon the board by this act, or upon a superintendent of buildings by title two of chapter nine of this act or by ordinance or upon the fire commissioner by title three of chapter fifteen of this act or by ordinance, and to include in such rules and regulations provisions applying to specific conditions and prescribing means and methods of practice to effectuate such provisions and for carrying into effect the powers of the board. Such rules and regulations shall take the place of rules and regulations made by a president of a borough, a superintendent of buildings or the fire commissioner;

3. Make, amend and repeal rules and regulations regarding the enforcement of those provisions of the labor law and other laws which relate to the construction, alteration, structural changes in, plumbing and drainage of, elevators, fire escapes on, adequacy and means of exit from and fire alarm systems in all buildings, except tenement houses, within the city of New York.

All rules and regulations made by the board pursuant to this section, shall take the place of the industrial code and of any rules or regulations of the labor department relating to the same subject matter.

4. Exercise exclusively with respect to buildings situated in the city of New York, the same powers as are conferred upon the industrial commission by chapter seven hundred and nineteen of the laws of nineteen hundred and fifteen.

5. During the month of December annually suggest to the mayor and corporation counsel changes or amendments to the law.

Rules and Regulations.

Sec. 718-b. 1. At least eight affirmative votes shall be necessary to the adoption, repeal or amendment of any rule or regulation by the board. At least ten days' notice of intention to adopt, amend or repeal any rule or regulation shall be given by publication in the bulletin of the board, and a public hearing shall be given before any action is taken thereon. The adopted rules and regulations and amendments and changes thereof, shall take effect not less than twenty days after the publication thereof in the bulletin of the board.

2. All rules and regulations heretofore lawfully adopted by a president of a borough, a superintendent of buildings, the fire commissioner or by any other officer, department, board or bureau of the city or by the labor department of the state or the industrial commission thereof relating to any matter within the jurisdiction of the board shall continue in force until amended, repealed or superseded, and be enforced as rules and regulations of the board of standards and appeals. The corporation counsel shall, as soon as practicable after this act takes effect, compile, for the use of the board, a copy of such rules and regulations as he deems so continued in effect.

Inspection of Buildings.

Sec. 718-c. Each member of the board and the secretary shall have all powers to enter, inspect and examine buildings and structures, that are conferred upon a superintendent of buildings or upon the fire commissioner.

Board of Appeals.

Sec. 718-d. The appointed members of the board of standards and appeals and the chief of the uniformed force of the fire department, exclusive of the other members, shall hear and decide appeals from and review any rule, regulation, amendment or repeal thereof, order, requirement, decision or determination of a superintendent of buildings made under the authority of title two of chapter nine of this act or of any ordinance or of the fire commissioner under the authority of title three of chapter fifteen of this act or of any ordinance, or of the labor law. No member of the board shall pass upon any question in which he or any corporation in which he is a stockholder or security holder is interested.

Hearings on appeals shall be before at least five members of the board of appeals, and the concurring vote of five members of the board of appeals shall be necessary to a decision.

The words board of appeals when used in this chapter refer to the said appointed members of the board of standards and appeals and the chief of the uniformed force of the fire department, when acting under the powers conferred by this section.

Inspections.

Sec. 718-e. Whenever the board of appeals shall deem it necessary that an inspection shall be made of any building, structure or vessel which is the subject of an appeal from an order, requirement, decision or determination of the fire commissioner, the chairman of the board and not less than two members of the board of appeals designated by the chairman shall visit and inspect such building, structure or vessel, and shall report their findings to the board of appeals in writing. The members other than the chairman shall receive for each such visit or inspection, and for attendance at meetings of the board of appeals, the same compensation as is paid to appointed members for attendance at meetings of the board of standards and appeals.

Appeals.

Sec. 719. 1. What appealable. An appeal may be taken to the board of appeals from any order, requirement, decision or determination made by any superintendent of buildings under the authority of title two of chapter nine of this act or of any ordinance

(except an order requiring an unsafe building, staging or structure to be made safe, and except an order punishing, removing or dismissing an employee, inspector or other subordinate), or made by the fire commissioner under the authority of title three of chapter fifteen of this act or of any ordinance, and from any rule, regulation, amendment or repeal thereof relating to the construction, alteration, structural changes in, equipment, occupancy or use of any building or structure, or vaults and sidewalks appurtenant thereto.

2. Who may appeal. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the city.

3. Appeal how taken. Such appeal shall be taken within such time as shall be prescribed by the board of appeals by general rule, by filing with the officer from whom the appeal is taken and with the board of appeals of a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

4. Stay. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of appeals after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of appeals or by the supreme court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.

5. Hearing of and decision upon appeal. The board of appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. The board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal is taken. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the law, the board of appeals shall have power in passing upon appeals, to vary or modify any rule or regulation or the provisions of any existing law or ordinance relating to the construction, structural changes in, equipment, alteration or removal of buildings or structures, or vaults and sidewalks appurtenant thereto, so that the spirit of the law shall be observed, public safety secured and substantial justice done. The board of appeals shall not vary or modify the tenement house law nor any rule, regulation or ruling of the tenement house commissioner. The decision shall be in writing and shall be filed in the office of the board and promptly published in the bulletin of the board. Each decision shall so far as is practicable be in the form of a general statement or resolution which shall be applicable to cases similar to or falling within the principles passed upon in such decision.

6. Review by board of appeals on its own motion. Any rule, regulation, amendment or repeal thereof and any order, requirement, decision or determination from which an appeal may be taken to the board of appeals under the provision of this section, may be reviewed by the board of appeals, upon motion of any member thereof, but no such review of a decision upon an appeal shall prejudice the rights of any person who has in good faith acted thereon before it is reversed or modified. The provisions of this chapter relating to appeals to the board of appeals shall be applicable to such review.

Certiorari to review decision of Board of Appeals.

Sec. 723-a. 1. Petition. Any person or persons, jointly or severally aggrieved by any decision of the board of appeals upon appeal or review had under section seven hundred and nineteen, or any officer, department, board or bureau of the city, or the industrial commission of the labor department of the state, may present to the supreme court a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition must be presented to a justice of the supreme court or at a special term of the supreme court within thirty days after the filing of the decision in the office of the board, or its publication in the bulletin.

2. Writ of certiorari. Upon the presentation of such petition, the justice or court may allow a writ of certiorari directed to the board of appeals to review such decision of the board of appeals and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten days and may be extended by the court or a justice thereof. Such writ shall be returnable to a special term of the supreme court of the judicial district in which the property affected, or a portion thereof, is situated. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

3. Return to writ. The board of appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return must concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and must be verified.

4. Proceedings upon return. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

5. Costs. Costs shall not be allowed against the board, unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

6. Preferences. All issues in any proceeding under this section shall have preference over all other civil actions and proceedings.

Penalty for non-compliance with orders, et cetera, of board, of superintendents of buildings and of fire commissioner.

Sec. 719-b. Any person who shall knowingly violate or fail to comply with any lawful order or requirement of the board made under the authority of this chapter or of a superintendent of buildings made under the authority of title two of chapter nine of this act or of the fire commissioner made under the authority of title three of chapter fifteen of this act, shall be guilty of a misdemeanor; and shall in addition thereto, and in addition to all other liabilities and penalties imposed by law, ordinances, rules and regulations forfeit and pay for each and every such violation and non-compliance respectively, a penalty in the sum of not more than two hundred and fifty dollars, as may be fixed by the court awarding judgment therefor. An action may be brought for the recovery of any such penalty or penalties in any municipal court or court of record in said city in the name of the city. —As added by Laws of 1916, Chap. 503.

CHAPTER XV.

FIRE DEPARTMENT.

Title 1. Organization, duties and powers of officers and men.

Title 2. Fires and their extinction.

Title 3. Prevention of fires; explosives and combustible materials.

Title 4. Fire marshals, and investigation of origin of fires.

Title 5. Relief fund and pensions.

Title 6. Tax upon foreign insurance companies.

TITLE 1.

ORGANIZATION, DUTIES AND POWERS OF ITS OFFICERS AND MEN.

Fire commissioner; salary.

Sec. 720. The head of the fire department shall be called the fire commissioner. He shall be appointed by the mayor, and hold his office as provided in chapter four of this act. The salary of the fire commissioner shall be seven thousand five hundred dollars a year. Such commissioner shall have power to appoint and at pleasure remove two deputy commissioners. The commissioner may designate in writing, to be filed in the offices of the mayor and comptroller, one of the deputy commissioners as authorized to perform all the duties and exercise all the powers of the commissioner except the appointment to or promotion, detail or dismissal of any member of the uniformed force, and in like manner may designate a clerk or chief of a bureau, to sign warrants and perform such other duties incidental thereto, as may be required during the absence, by illness or otherwise, of the said commissioner, and for a period of time to be designated in said notice. The salary of each of such deputy commissioners shall be five thousand dollars a year.—Amended by Laws of 1904, Chapter 756.

Office in the borough of Brooklyn.

Sec. 721. The fire commissioner shall delegate one of the said deputy commissioners to sit at the office of the fire department in the borough of Brooklyn, through whom such business, duties and powers of the fire department in the boroughs of Brooklyn and Queens shall be conducted, performed and exercised, as may be directed by the fire commissioner. —As amended by Laws of 1904, Chapter 756.

Consolidation of fire departments; volunteer departments.

Sec. 722. The officers and members of the uniformed force and legally appointed firemen in the corporation formerly known as the mayor, aldermen and commonalty of The City of New York, and in the City of Brooklyn and in the City of Long Island City are hereby made members of the fire department of The City of New York, as hereby constituted, and shall be assigned to duty therein by the fire commissioner, with the rank and grade as now held by them, respectively, as nearly as practicable. The paid fire department system shall, as soon as practicable, be extended over the boroughs of Queens and Richmond, by the fire commissioner, and thereupon the present volunteer fire department now maintained therein shall be disbanded. Any real property and likewise any apparatus, equipment or other personal property owned or used by said volunteer forces which may be deemed useful or necessary for the use of the fire department, shall upon the extension of the paid system to the boroughs of Queens and Richmond, respectively, be purchased by the fire commissioner at the reasonable value thereof. In the meantime, and until the said paid fire department shall be extended over said territory as herein provided, said volunteer fire companies shall continue to discharge the duties for which they have been associated or incorporated, and said companies shall receive from the city such sums as are now awarded them by the village or towns in which they are respectively located, except that in the boroughs of Richmond and Queens there shall be paid on the first day of June in each year to the treasurers of the several volunteer fire companies, by the comptroller of The City of New York the following sums: To the treasurer of an engine company or chemical engine company twelve hundred dollars, to the treasurer of a hook and ladder company ten hundred dollars, to the treasurer of a hose company eight hundred dollars, and to the treasurer of a patrol company eight hundred dollars, and to the treasurer of each newly organized engine company, chemical engine company, hook and ladder company, hose company or patrol company in the boroughs of Richmond and Queens, whose certificate of incorporation has been approved by the fire commissioner and mayor, a pro rata share of the annual appropriation granted to such company by the provisions of this act, from the date of such approval until the following first day of June.

Whenever hereafter the paid fire department shall be extended into any part of the territory of The City of New York, as hereby constituted, in which now or hereafter there shall exist a volunteer fire department, such members of said volunteer fire department in said locality as may be in active service shall, upon their passing a non-competitive examination for fitness, the conditions of which shall first be approved by the fire commissioner as prescribed by the municipal civil service commission rules, notice of which examination shall have been previously given by publication in the

official papers of the borough in which the extension is proposed, be placed at the head of any eligible list certified for appointment and be preferred for appointment as firemen in the paid department, and the volunteer benevolent association existing within said territory shall possess all the privileges, and be entitled to all the rights now conferred by law upon such associations. The board of estimate and apportionment may, in its discretion, appropriate such sum of money as they may deem necessary for the purchase of apparatus for the use of the several volunteer companies in the for the maintenance of the fire alarm system in such boroughs. The certificate of incorporation of any new volunteer fire company of The City of New York shall, in addition to the requirements therefore provided in the general laws of the state, also require the approval of the fire commissioner.—As amended by laws of 1902, chapter 583, and Laws, 1904, chapter 700.

Treasurer.

Sec. 723. The fire commissioner shall be the treasurer of the fire department, and shall file in the office of the comptroller a bond in the sum of twenty thousand dollars for the faithful performance of his duties as such treasurer.

Powers.

Sec. 724. The fire commissioner shall possess and exercise fully and exclusively all powers and perform all duties for the government, management, maintenance and direction of the fire department of the city, and the premises and property thereof. The said department shall have sole and exclusive power and authority to extinguish fires in said city. All real estate, fire apparatus, hose, implements, tools, bells, and bell towers, fire telegraph and all property of whatever nature, in use by the firemen or fire department of the city belonging to said city, shall be in the keeping and custody of the fire department, and for the use of said department. But the said property shall remain the property of The City of New York, subject to the public uses of said department, as aforesaid and for the purposes provided by this chapter. And whenever any of the said property shall no longer be needed by the said department for the purposes of this chapter, the commissioner shall surrender the same to the city.

Horses, apparatus, etc., to be provided.

Sec. 725. The fire commissioner shall, subject to the other provisions of this act, have full power to provide supplies, horses, tools, implements and apparatus of any and all kinds (to be used in the extinguishing of fires), and fire telegraphs, to provide suitable locations for the same, and to buy, sell, construct, repair, and have the care of the same, and take any and all such action in the premises as may be reasonably necessary and proper.

To control and manage property, et cetera.

Sec. 726. The fire commissioner shall possess and exercise full and exclusive power and discretion for the government, management, maintenance and direction of the several buildings and premises, and bell-towers, and property, and appurtenances thereto, and all apparatus, hose, implements, and tools, of any and all kinds which may belong to or be in the use of the said department. Whenever any horses used in the fire department, the police department or the street cleaning department shall have become unfit for use therein, the commissioner of either of such departments, instead of causing such horses to be sold at auction, as provided by section fifteen hundred and fifty-three, may transfer such horses to the custody of the American Society for the Prevention of Cruelty to Animals, provided such society is willing to accept the custody thereof, to be disposed of in such manner as the said society may deem best. If, however, any horse so received into the custody of said society and formerly used in the fire department or the police department shall thereafter be sold by said society, or any profit be derived from its use, the proceeds from such sale or use shall be paid over by said society to the fire commissioner or to the police commissioner, for the benefit of the pension fund of their respective departments; and if any horse formerly used in the department of street cleaning shall be sold or used by said society, the proceeds of such sale or use, shall be the property of The City of New York, and shall be paid over by said society to the chamberlain of the city. The fire commissioner, the police commissioner and the street cleaning commissioner may, however, transfer any horse or horses which have been condemned, or which may be hereafter condemned as unfit for service in said departments, respectively, to any other department of the City of New York, at such price for each horse as may represent the average price received per horse at the auction sales of such condemned horses, conducted by the department making such transfer during the last two years preceding such transfer in which such auction sales were held.—As amended by Laws 1908, Chapter 356.

Bureaus.

Section 727. The fire commissioner shall have power to organize the fire department into such bureaus as may be convenient and necessary for the performance of the duties imposed upon him. There shall be in the department a fire bureau, which under the direction of the commissioner shall have charge of the extinguishment of fires and the necessary and incidental protection of property in connection therewith. There shall also be established a bureau of fire prevention, which under the direction of the commissioner shall perform the duties and exercise the powers in relation to the prevention of fires devloved upon the commissioner by this act or by any other law or ordinance. The official in charge of the bureau of fire prevention shall be known as the chief of the bureau of fire prevention and shall be appointed by the commissioner. The officials in charge of the bureaus of the fire department shall keep such records as the fire commissioner shall direct concerning the official transactions of their bureaus. The commissioner shall also appoint such other officials and subordinates in each borough as may be necessary. In the performance of their official duties, all officers and employees of the bureau of fire prevention shall have the powers and perform the duties of peace officers, but their power to make arrests and to serve process in criminal actions shall be restricted to cases arising under laws or ordinances relating to fires, fire perils and fire prevention. [As amended by Laws of 1913, chap. 698.]

Selection of subordinates.

Sec. 728. The fire commissioner shall have power to select heads of bureaus and assistants and as many officers and firemen as may be necessary, and they shall at all times be under the control of the fire commissioner, and shall perform such duties as may be assigned to them by him, under such names or titles as he may confer. Promotions of officers and members of the force shall be made by the fire commissioner as provided in section one hundred and twenty-four of this act on the basis of seniority, meritorious service in the department and superior capacity as shown by competitive examination. Individual acts of personal bravery may be treated as an element of meritorious service in such examination, the relative rating therefor to be fixed by the municipal civil service commission. The fire commissioner shall transmit to the municipal civil service commission in advance of such examination the complete record of each candidate for promotion.—As amended by Laws of 1911, chapter 899.

Location of fire alarm telegraph, etc.; penalty for interference therewith.

(See Code of Ordinances Library.)

Sec. 729. The fire commissioner shall have exclusive right and power from time to time to designate and fix the location of all fire alarm telegraph, signal and alarm stations in the city, and to have access to and the control of the same for the purposes of the department; to fix upon and adopt the colors or combination of colors in painting the poles, boxes, and fixtures thereof, and the kind or style of keys and appliances by which to operate the same; to select and designate the places of deposit for keeping the keys of the various stations, and to designate the officers and persons who shall be intrusted with duplicate keys and authorized to use the same, and to make from time to time, such rules and regulations governing the possession, return or use thereof, and as to the use and control of said telegraph, as he may deem necessary, and no person other than the said commissioner or the officers and employe specially authorized to operate said telegraph, or to use the same for instruction or drill, or policeman or citizens using the same for communicating an actual alarm of fire, shall make use thereof; and no person shall use the keys or appliances thereof for communicating a false alarm or experimenting or tampering with the same for any purpose whatever, or have or possess any key thereof, without such authority; and no person, association, corporation or company shall post, paint, impress, or in any way affix to any pole connected with said fire-alarm telegraph, or any box, wire, or other appliance connected therewith, any placard, sign, broadside, notice, or announcement of any kind, or cut, mutilate, alter, mar, deface, cover, obstruct or interfere with the same in any manner whatsoever, or paint or cause to be painted, the poles of any other telegraph, or any other poles on the lines thereof, of a similar color or colors, or in imitation thereof, nor consent, allow, or be privy to any of said things being done for them or upon their behalf; and any offense against the provisions of this section shall be punished as a misdemeanor, and subject the party or parties violating the same to an additional penalty of one hundred dollars. No kite shall be flown, raised, or put up in the streets or avenues adjacent to the lines of said telegraph, or allowed to become entangled with the wires or apparatus of said telegraph, under a penalty of ten dollars for every such offense; and the police board and their officers are specially charged and directed to aid in the enforcement of this section. The fire commissioner is further authorized and empowered to extend the fire alarm telegraph system whenever in his judgment it shall be deemed desirable, by the purchase, lease or license of the whole or a part or parts of the appliance, apparatus, equipment, patents, licenses, franchises, rights, contracts or other property of any kind, of any fire alarm telegraph or fire signal company now doing business in, or which may hereafter do business in, The City of New York, at a price to be agreed upon with the persons or corporation owning the same, and every such corporation is hereby authorized to sell, lease or license the same to the city, provided such purchase, lease or license shall first be approved by the board of estimate and apportionment; and the said board is authorized and empowered to issue corporate stock in such amount or amounts as may be necessary to make such purchase, and the comptroller shall thereupon issue such stock to the amount so authorized without the approval of any other board or [illegible] body. The [illegible] after have

power to enter in person or by his duly authorized employes, the buildings or premises which have been or may be provided, upon the application of the owners or agents thereof, or which are directed by the commissioner pursuant to the provisions of law to be provided with the means of communicating alarms of fire, for the purpose of maintaining, repairing, examining or installing the same. The fire commissioner is further authorized to fix and collect reasonable charges for the maintenance and equipment of such special fire alarm service thus provided, and such moneys when collected by him shall be paid into the general fund for the reduction of taxation.—As amended by laws of 1903, Chapter 388.

Business offices; seal.

Sec. 730. The said fire commissioner shall, subject to the other provisions of this act, provide such offices and business accommodations as may be requisite for the transaction of the business of the department and that of its subordinates. The commissioner may adopt a common seal and direct its use.

Suits and actions.

Sec. 731. The fire commissioner is hereby authorized, empowered and especially charged with the duties of enforcing the several provisions of this chapter; and said fire commissioner is hereby authorized and empowered to receive and collect all license fees mentioned in this chapter, and to sue for, and shall have the exclusive right of recovery of, any and all penalties imposed under this chapter, and may sue for and recover and collect the same, with costs, in the manner provided for in actions under the code of civil procedure, and shall apply the same to the uses and purposes of the relief fund of the fire department in The City of New York, and the said fire commissioner may bring any suit or action for the enforcements of its rights and contracts, and for the protection, possession and maintenance of the property under the control of said department; and any action to recover any fee, fine or penalty under this chapter may be brought in any of the municipal courts in said city; and the assistant corporation counsel assigned to the fire department shall, under the direction of the fire commissioner, take charge of the prosecution of all suits or proceedings instituted for the recovery and collection of penalties; and the enforcement of the several provisions of this chapter; collect and receive all moneys upon judgments, suits or proceedings so instituted; pay all costs and disbursements, and discontinue suits and proceedings, and execute satisfaction of judgment upon payment of penalties or costs, and in compliance with orders made in such suits and proceedings; shall keep a correct and accurate register of all suits and proceedings, and account for all moneys received and paid out thereon; and shall pay over to the treasurer of the relief fund the amount of all license fees, penalties and moneys received and collected by him, and the said fire commissioner is authorized to settle or compromise any such suit or judgment for less than the amount of the same, in case, in his judgment, he is satisfied that the full amount cannot be collected.

Members of force to decline nominations to office.

Sec. 732. Any officer or member of the uniformed force of said department who shall be publicly nominated for any office, elective by the people, and who shall not decline the said nomination within ten days succeeding notice of the same, shall be deemed to have vacated his office in the fire department.

Uniforms and badges.

Sec. 733. It shall be the duty of the fire commissioner to make suitable regulations under which the officers and men of the fire department shall be required to wear an appropriate uniform and badge, by which in case of fire and at other times, the authority and relations of such officers and men in said department may be known as the exigency of their duties may require. The fire commissioner shall select the grade of cloth and quality required for said uniforms, but shall not prescribe where or from whom said uniforms or uniform clothing shall be purchased, or the price to be paid therefor, and no contractor or agents or employe of any contractor for the making of uniforms for the fire department shall have an office within any building belonging to or under the control of said fire department. It shall be a misdemeanor, punishable by imprisonment for a period of not less than sixty days, for a person not enrolled or employed, or appointed by the said department, to wear the whole or any part of the uniform or insignia prescribed to be worn by the rules or regulations of the fire department, or do any act as fireman not duly authorized by the commissioner, or to interfere with the property or apparatus of the fire department in any manner unless by the authority of the fire commissioner. Any person who shall falsely represent any member of the uniformed force of the fire department, or who shall maliciously, with intent to deceive, use, or imitate any of the signs, fire caps, badges, signals or devices adopted or used by the said department, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than twenty-five dollars or more than two hundred and fifty dollars, and to imprisonment for a term of not less than ten days, or more than three months, such fines when collected to be paid over to the trustees of the New York fire department relief fund.—As amended by Laws of 1901, Chapter 720.

Qualifications of force of fire department.

Sec. 734. No person shall be appointed to membership in the fire department or continue to hold membership therein, who is not a citizen of the United States, or who has ever been convicted of felony; nor shall any person be appointed who cannot read and write understandingly the English language, or who shall not have resided within the State one year immediately prior to his appointment, or who is not over the age of twenty-one and at the date of the filing of his application for civil service examination was under the age of twenty-nine years. Every member of the uniformed force shall reside within the limits of the city of New York. Preliminary to a permanent appointment as fireman there shall be a period of probation for such time as is fixed by the civil service rules, and no person shall receive a permanent appointment who has not served the required probationary period, but the service during probation shall be deemed to be service in the uniformed force if succeeded by a permanent appointment, and as such shall be included and counted in determining eligibility for advancement, promotion, retirement and pension, as hereinafter provided.—As amended by Laws 1912, Chapter 462.

Resignations and absences.

Sec. 735. No member of the fire department shall, under penalty of forfeiting the salary or pay which may be due to him, withdraw or resign, except by permission of the fire commissioner. Unexplained absence, without leave, of any member of the uniformed force, for five days, shall be deemed and held to be a resignation by such member, and accepted as such.

Military and jury duty; arrest.

Sec. 736. No person holding office under this department shall be liable to military or jury duty, nor to arrest on civil process, or, whilst actually on duty, to service of subpoenas from civil courts.

Warrants of appointment.

Sec. 737. Every member of the uniformed force shall have issued to him a proper warrant of appointment signed by the fire commissioner.

Oaths of office.

Sec. 738. Each member of the uniformed force shall take an oath of office and subscribe the same before an officer of the department empowered to administer an oath.

Discipline, etc.

Sec. 739. The government and discipline of the fire department shall be such as the fire commissioner may, from time to time, by rules, regulations and orders prescribe. The fire commissioner shall have power, in his discretion, on conviction of a member of the force of any legal offense or neglect of duty, or violation of rules, or neglect or disobedience of orders, or incapacity, or absence without leave, or any conduct injurious to the public peace, or welfare, or immoral conduct, or conduct unbecoming an officer or member or other breach of discipline, to punish the offending party, by reprimand, forfeiting and withholding pay for a specified time, or dismissal from the force; but no more than ten days' pay shall be forfeited and withheld for any offense. Officers and members of the uniformed force shall be removable only after written charges shall have been preferred against them, and after the charges shall have been publicly examined into, upon such reasonable notice of not less than forty-eight hours to the person charged, and in such manner of examination as the rules and regulations of the fire commissioner may prescribe. The trial of any member of the uniformed force upon charges shall be held in the borough within which the accused member was serving at the time the charge was preferred. The examination into such charges shall be conducted by the fire commissioner or by a deputy commissioner; but no decision shall be final or be enforced, until approved by the fire commissioner. No member of the uniformed force shall be permitted to contribute any moneys directly or indirectly to any political fund, or to join or become or be a member of any political club or association, or of any club or association intended to affect legislation for or on behalf of the fire department or any officer or member thereof, or to contribute any money directly or indirectly for such purpose. The rules and regulations now in force shall continue in force until modified or repealed by said commissioner. The rules and regulations of the fire department, as established from time to time by the fire commissioner, shall be printed, published and circulated among the officers and members of said department.

Grades, ranks and salaries of officers and members of the uniformed force.

Sec. 740. The rank and salaries of officers of the fire department shall be as follows:

Chief of department, whose annual salary shall be not more than six thousand dollars; deputy chiefs of department, whose annual salary shall not be more than four thousand two hundred dollars; battalion chiefs, whose annual salary shall be not more than three thousand three hundred dollars; medical officers, whose rank and salary shall be the same as that of battalion chiefs, one of whom shall be appointed chief medical officer, whose annual salary shall be not more than six thousand dollars; veterinarians, whose rank and salary shall be the same as that of deputy chiefs; captains or foremen of companies, whose annual salary shall be not more than two thousand one hundred and sixty dollars; lieutenants or assistant foremen of companies, whose annual salaries shall be not more than eighteen hundred dollars; pilots of fireboats who shall continue to receive annual salaries as now provided for by law; engineers of steamers, whose annual salary shall be one thousand six hundred dollars.

From and after January first, eighteen hundred and ninety-eight, the uniformed members of the fire department who are

firemen shall be divided into four grades, to wit, first, second, third and fourth, and shall receive an annual pay or compensation as follows: members of the first grade, fourteen hundred dollars; members of the second grade, twelve hundred dollars; members of the third grade, one thousand dollars; members of the fourth grade, eight hundred dollars. The members of the uniformed force who are appointed after January first, eighteen hundred and ninety-eight, shall be assigned to the fourth grade; after one year of service in the fourth grade they shall be advanced to the third grade; after one year of service in the third grade, they shall be advanced to the second grade; after one year of service in the second grade, they shall be advanced to the first grade, and they shall in each instance receive the annual pay or compensation of the grade to which they belong as herein provided. All persons who, when this act takes effect, are firemen in the uniformed force of the fire department of the corporation heretofore known as the mayor, aldermen and commonalty of The City of New York, or of the city of Brooklyn, or the corporation heretofore known as Long Island City, shall thereupon become firemen of that grade having a salary thereto attached equal to the salary or compensation paid such firemen, respectively, at the time of the taking effect of this act; provided, however, that any such fireman who has been a member of the uniformed force in the city of Brooklyn, or in Long Island City, whose salary falls between any two of the grades hereby established shall within three years have his salary made equal to the salary of the first grade by equal annual additions. Nothing in this section contained shall be construed to change in any way the salaries or grading, present or prospective, of the firemen who are or shall become members of the uniformed force of the New York fire department prior to January first, eighteen hundred and ninety-eight; and nothing in this section contained shall be construed to affect in any other way than as provided herein the rights and privileges secured under the provisions of this act to uniformed members of the various fire departments consolidated into one department by this act. The pay or compensation of the officers of the fire department and each of them mentioned in the first paragraph of this section, and also the pay or compensation of district engineers and officers raking as such, and of any other officers who, when this act takes effect, belong to the uniformed force of either of the fire departments hereby consolidated into one department, shall be and remain fixed at the amount which they and each of them were severally receiving or entitled to receive from the respective municipal corporations in whose employ they were prior to the taking effect of this act; provided, however, that the salaries of all such officers in either of said fire departments other than the New York department, so consolidated into one department, shall be made equal to the salaries of corresponding officers in said New York department within three years from January first, eighteen hundred and ninety-eight, by equal annual additions; and provided further, that if the difference in the pay received by such officers and the pay received by corresponding officers of the New York fire department as heretofore existing, is not more than fifty dollars, when this act takes effect, the pay shall be equalized at once.

The pay or compensation aforesaid shall be paid monthly to each person entitled thereto, subject to such deductions each month from the pay or compensation of said persons as are or shall be authorized by law or by this act; and to pay or compensation shall be allowed or paid to any such fireman or officer, except as in this section provided for and declared, any other law to the contrary or otherwise notwithstanding.—As amended by Laws 1912, Chapter 328.

Police department to co-operate.

Sec. 741. It shall be the duty of the fire department and of the police department, their respective officers and men, to co-operate together in all proper ways, and the said police department and fire department may respectively provide for protection against fire, and for the arrest of all persons who may, at or near any fire, commit, or attempt to commit, any crime agaiust the laws of this state, or violate any rule or regulation of said police department or fire department.

Compensation of chaplains of fire department.

Sec. 742. The chaplains of the fire department shall each receive such annual salary not exceeding $1,000 as may be fixed by the board of estimate and apportionment in its discretion. For the purpose of paying such salaries during the current year, if the same are fixed or provided for by said board, the comptroller may cause the revenue bonds of the city to be issued in an amount sufficient therefor.—Added by Laws of 1904, Chapter 684.

Auxiliary Fire Alarm Systems.

Sec. 743. All persons, partnerships or corporations engaged in the maintenance and operation of auxiliary fire alarm telegraph systems from which rent, profit or compensation is derived, and which are connected with the fire alarm telegraph system maintained by the city of New York or who for the benefit of their patrons are permitted to make any use whatsoever of the service of said fire alarm telegraph system shall pay such reasonable compensation to The City of New York for such privilege and for such period of time as shall be fixed by the board of estimate and apportionment on the recomendation of the fire commissioner.—Added by Chapter 544, Laws 1910.

TITLE 2.

FIRES AND THEIR EXTINCTION.

Right of way of fire department; obstructing.

Sec. 748. The officers and men of the fire department, and the officers and men of the insurance patrol respectively, with their apparatus of all kinds, when on duty, shall have the right of way at and in proceeding to any fire in any highway, street or avenue, over any and all vehicles of any kind, except those carrying the United States mail. And any person in or upon any vehicle who shall refuse the right of way, or in any way obstruct any fire apparatus, or any apparatus of the insurance patrol, or any of said officers, while in the performance of duty, shall be guilty of a misdemeanor and be liable to punishment for the same.

Hose-bridges on railway tracks.

(See Code of Ordinances Library.)

Sec. 749. The fire commissioner is empowered to provide for laying over the railway tracks of the city the hose used by the department for the extinguishment of fire by such hose-bridges as he may deem necessary. The various railway companies operating cars within the limits of The City of New York as constituted by this act shall provide, pay for and use such hose-bridges as may be designated by the said commissioner.

Fire hydrants not to be obstructed.

(See Code of Ordinances Library.)

Sec. 750. No person shall in any manner obstruct the use of any fire hydrant in said city or allow any snow or ice to be thrown or piled upon or around the same, or have or place, or allow to be placed, any material in front thereof, from the curb line to the center of the street, and to within ten feet from either side thereof, and all snow and ice accumulating within such space shall be removed by the owner or owners, lessee or lessees, of the premises fronting the same in the same manner as is prescribed for the keeping clear of the sidewalk, under a penalty of ten dollars for each and every such offense, and any and all materlal found as an obstruction, as aforesaid, may be forthwith removed by the officers or employes of said department and at the risk, cost and expense of the owner or claimant, and said fire commissioner may take all proper measures to keep said hydrants from freezing, and in proper condition for use at all times.

Sappers and miners.

Sec. 751. The fire commissioner is hereby empowered and directed to maintain in the fire department a corps to be known as the corps of sappers and miners. Said corps shall be composed of not exceeding three members, either officers or private firemen, of each company in said fire department, and said members shall be appointed by said commissioner, upon the nomination of the chief of department. The said commissioner shall appoint a suitable officer, who shall be skilled in the use of explosives, whose duty it shall be to instruct and drill said corps in the use of explosives, and to give said corps such other instruction as may be required to qualify them to effectually discharge the duties imposed upon them by this title. Such officer shall receive an annual salary of two thousand dollars, and such salary shall be raised and paid in the same manner as the salaries of the other officers appointed by said commissioner.

Id.; duties of.

Sec. 752. Whenever, under and by virtue of the acts relating to the extinguishment of fires in the city, the destruction or pulling down of any building or buildings shall be deemed necessary and shall be ordered by the officer in command at any fire in said city, it shall be the duty of said corps, or any member or members thereof, by the direction of said officer in command at such fire, to level and destroy such building or buildings by the use of explosives, for the purpose of arresting the spread of such fire and it shall be lawful for them to enter and take possession of the same for such purposes.

Explosives; depots for storage of.

Sec. 753. The fire commissioner shall establish in The City of New York, one or more depots for the storage and safekeeping of such explosives as may be required for the use of said corps, and may limit the quantity of any such explosives to be kept at any one of such depots.

Pulling down buildings to prevent spread of fire.

Sec. 754. When any building or buildings in The City of New York shall be on fire, it shall be lawful for the fire commissioner to direct and order the same, or any other building which he may deem hazardous, and likely to take fire, or to convey the fire to other buildings, to be pulled down or destroyed. Upon the application of any person interested in such building so pulled down or destroyed or its contents, to the supreme court, in and for the county or any adjoining county, in the judicial department within which such building is situated, it shall be its duty to issue a precept for a jury to inquire into and assess the damages which the owners of such building and all persons having an estate or interest therein or in the contents thereof, have respectively sustained by the pulling down or destruction of said building or its contents. Such precept shall be issued, directed, executed, returned and proceeded upon, and the proceedings thereon shall take effect, as

nearly as may be, in such manner as is provided in the case of land taken for public purposes; and, the said inquiry and assessment having been confirmed by the court, the sums assessed by the jury shall be paid by The City of New York to the respective persons in whose favor the jury shall have assessed the same, in full satisfaction of all demands of such persons respectively, by reason of the pulling down or destruction of such building or its contents; and the court before whom such process shall be returnable shall have power to compel the attendance of jurors and witnesses upon any such assessment of damages.

Idle persons, etc., may be removed from fires.

(See Code of Ordinances Library.)

Sec. 755. During the actual prevalence of any fire, it shall and may be lawful for the officers of the police and fire department to remove, or to cause to be removed and kept away from the vicinity of such fire, all idle and suspicious persons, and all persons not fit to be employed or not actually and usefully employed, in their judgment, in aiding the extinguishment of such fire or in the preservation of property in the vicinity thereof.

Jurisdiction of fire department over harbor fires on vessels.

(See Code of Ordinances Library.)

Sec. 756. In case of fire occurring on any vessel in the port of New York or in or upon any dock, wharf, pier, warehouse, building or other structure bordering upon or adjacent to said port, full power and authority to direct and command the operation of extinguishing said fire and to take the necessary precautions to prevent communication thereof to the shipping in said port or to the docks, wharves, piers, warehouses or other buildings or structures bordering upon or adjacent thereto, shall be vested in the fire department of the city of New York. The officers of said fire department in charge at the scene of any such fire shall have full power and authority to direct the operation of extinguishing the same and to take the necessary precautions to prevent the communication thereof to the shipping, in said port, or to any docks, wharves, piers, warehouses or other buildings or structures bordering upon or adjacent thereto, and in the course of such operation may prohibit the approach to such fire or to a vessel, dock, wharf, pier, warehouse or other building or structure in danger therefrom, of any tugboat or other vessel, or of any person; or may remove or cause to be removed and kept away from the vicinity of such fire all tugboats or other vessels, all idle and suspicious persous and all persons not fit to be employed or not actually and usefully employed in their judgment, in aiding the extinguishing of such fire, or in the preservation of property in the vicinity thereof. Any person who shall in any way obstruct the operations of said fire department in connection with any such fire, or who shall disobey any lawful command of the officers of said fire department in charge at the scene of such fire, or of the police in cooperating with them, shall forfeit or pay a fine of five hundred dollars. Provided that nothing in this section contained shall be construed to limit the authority of the master or officers of any such vessel on fire or in danger from fire, subject to the general authority granted herein of the fire department to control the operations in protection of the public interests. The words port of New York, wherever the same are mentioned or referred to in this section, shall be deemed and taken to include all the waters of the North River and East River and the harbor embraced within or adjacent to or opposite the shores of The City of New York as constituted by this act.—Added by Laws of 1922, Chapter 553.

TITLE 3.

PREVENTION OF FIRES—EXPLOSIVES AND COMBUSTIBLE MATERIALS.

Shavings; how to be stowed away.

(See Code of Ordinances Library.)

Sec. 760. All carpenters or others in said city making or using shavings shall, at the close of each day, cause the same to bo securely stowed in some safe place remote from danger by fire, under the penalty of $5 for each omission to do so. No person shall kindle any fire nor furnish the materials, nor in any way authorize or allow any fire to do made in any street, road, alley, lane or upon any pier, wharf or bulkhead in the city, except under such regulations as shall be established by the fire commissioner, under a penalty of $10 for each and every such offense. If any chimney stove pipe or flue within the city shall take fire the occupant of the premises to which such chimney stove or flue appertain shall forfeit the sum of $5.

Hoistways, iron shutters, etc., to be closed.

Sec. 761. All hoistways, well-holes, trap-doors, and iron shutters shall be closed at the completion of the business of each day by the occupant of the building having use or control of the same, and in case of a violation of this provision, such occupant having the use or control thereof shall forfeit and pay a penalty of fifty dollars for each and every neglect or omission so to do. And for any accident or injury to life or limb resulting directly or indirectly from any neglect or omission to properly comply with any of the requirements of this section, the person or persons culpable or negligent in respect thereto shall be liable to pay any officer, agent, or employe of said fire department injured, or whose life may be lost while in the discharge or performance of any duty imposed by said commissioner, or to the wife and children, or to the parents, or to the brothers and sisters, being the surviving heirs-at-law of any deceased person thus having lost his life, a sum of money, in case of injury to person, not less than one thousand dollars, and in case of death not less than five thousand dollars, such liability to be determined and such sums recovered in an action to be instituted by any person injured, or the family or relatives of any person killed as aforesaid; and any or all persons for any fire, resulting from his or their willful or culpable negligence or criminal intent or design, shall, in addition to the present provision of law for the punishment of persons convicted of arson, be liable in a civil action for the payment of any and all damages to the person or property, the result of such fire, and also for the payment of all costs and expenses of said fire department incurred in and about the use of employes, apparatus, and materials in the extinguishment of any fire resulting from such cause, the amount of such costs and expenses to be fixed by said commissioner, and when collected shall be paid into the relief fund of said department herein created; and shall also be liable for injury to person or loss of life of any officer, agent, or employe of said fire department in the same manner and like extent, and to be sued for in like manner as in the preceding part of this section provided for.

Lights, precautions against fire and use of aisles in places of amusement.

Sec. 762. All lights used in theaters and other places of public amusement, manufactories, stores, hotels, lodging houses and in show windows shall be properly protected by globes or glass coveriugs, or in such other manner as the fire commissioner shall prescribe. The owners and proprietors of all manufactories, hotels, tenement houses, apartment houses, office buildings, boarding and lodging houses, warehouses, stores and offices, theaters and music halls, and the authorities or persous having charge of all hospitals and asylums, and of the public schools and other public buildings, churches and other places where large numbers of persons are congregated for purposes of worship, instruction or amusement, shall provide such means of communicating alarms of fire, accident or danger, to the police and fire departments respectively as the fire commissioner or police board may direct, and shall also provide such fire hose, fire extinguishers, buckets, axes, fire hooks, fire doors, and other means of preventing and extinguishing fires as said fire commissioner may direct. In every building used or occupied as a hotel, lodging house or public or private hospital or asylum, there shall be employed by the owner or proprictor, or other person or persons having the charge or management thereof, one or more watchmen, whose exclusive duty it shall be to visit every portion of such building, at regular and frequent intervals, under rules and regulations to be established by the fire commissioner, for the purpose of detecting fire or other sources of danger, and giving timely warning thereof to the inmates of the building. In every room in each of said buildings there shall be posted a card, upon which shall be printed a diagram showing the exits, halls, stairways, elevators and fire escapes, and in the halls and passageways, signs shall be posted indicating the location of the stairs and fire escapes. In each of the said buildings there shall be placed and provided electrical or other alarms and time detectors, to be approved by the fire commissioner, by means of which the movements of said watchman may be recorded, and through which alarms of fire or other danger may be instantly communicated, by means of bells or gongs, to every portion of the building. Said electrical apparatus, and all other appliances placed or kept within any of said buildings for the purpose of preventing or extinguishing fires, or for affording means of escape therefrom in case of fire, shall be kept at all times in good working order and proper condition for immediate use, and any member of the uniformed force of said department may enter any of said buildings at any time for the purpose of inspecting said apparatus or appliances. The fire commissioner may detail, not to exceed two members of the uniformed force of said department, at each and every place of amusement where machinery and scenery are in use, while such place is open to the public, whose duty it shall be to guard against fire, and who shall have charge and control of the means provided for its extinguishment, and shall have control and direction of the employes of the place to which they may be detailed for the purpose of extinguishing any fire which may occur therein. It shall also be the duty of such member or members of the uniformed force of said department to inspect every portion of the building or buildings to which they may be detailed, during the public performances therein, for the purpose of guarding and protecting the occupants from fire or panic. Whenever any member of the uniformed force of said department shall discover in any inside aisle or passageway in any such place of amusement any camp stools, chairs, sofas or other obstructions or any person or persons standing or sitting therein during any public performance, it shall be the duty of such member of the uniformed force forthwith to notify the proprietor or manager of such place of amusement, or any usher, agent or other employe of such proprietor or manager then present, to cause such obstruction to be forthwith removed, or to cause the person or persons standing or sitting in such aisles or passageways to forthwith vacate the same. If the manager or proprietor, or such usher, agent or employe shall cause or permit any camp stools, chairs, sofas or other obstructions to be

placed or remain in the aisle or passageway in any such place of amusement, or shall cause, or permit any person to stand or sit therein during any public performance, or, having been so notified, shall neglect or refuse to cause such obstruction to be forthwith removed, or to cause such person or persons to forthwith vacate said aisles or passageways, they shall each severally be deemed to have violated the provisions and requirements of this title and the regulations or orders duly made thereunder, and shall be subject to the penalties prescribed in this act. In all places of public amusement or entertainment, not included in the foregoing provisions, except in fireproof buildings, there shall be employed, by the owner or proprietor thereof, one or more watchmen whose exclusive duty it shall be to protect and guard the inmates of such buildings from fire and other sources of danger.

Gunpowder and other explosives, sales thereof regulated.

Sec. 763. (Repealed by passage of following ordinance by Board of Aldermen, May 13, 1902.)

An ordinance to regulate the sale, use and transportation of explosives in The City of New York. (Changing section 763 of the Greater New York Charter.)

Sec. 763. Be it ordained by the Board of Aldermen of The City of New York, as follows:

1. Within thirty (30) days after the passage of this ordinance there shall be a municipal explosives commission which shall be constituted as follows: The said commission shall consist of five (5) members; the fire commissioner of The City of New York shall be ex-officio chairman and a member of the said commission. The remaining four (4) members shall be appointed by the mayor, and one of the said four (4) must be appointed from a list of ten to be submitted by the New York section of the American Chemical Society. The said commission shall hold office during the pleasure of the mayor.

2. It shall be the duty of the said commission to formulate and adopt such regulations as in its judgment may be necessary to carry out the purpose of this ordinance, and from time to time to add to or in any way change or amend such regulations. The said regulations and the amendments thereto and any changes which shall be made therein shall be subject to approval by the mayor, and when so approved shall be published by the fire commissioner in the City Record, and in such other manner as he shall deem necessary.

3. Said commission, hereby established, shall meet at the call of the fire commissioner for the consideration of all matters pertaining to this ordinance, and each member thereof shall receive a fee of ten dollars ($10) for attendance at each meeting. A majority of such commission shall constitute a quorum for the purpose of doing business

4. No person, firm or corporation, shall have, keep, sell, use, give away or transport any gun powder, blasting powder, gun cotton dynamite, nitro-glycerine, or any substance or compound or mixture or article having properties of such a character that alone or in combination or contiguity with other substances or compounds it may decompose suddenly and degenerate sufficient heat, or gas, or pressure, or all of them, to produce rapid flaming combustion or administer a destructive blow to surrounding persons or things, within the corporate limits of The City of New York excepting in the manner and upon the conditions herein provided, and under license issued by the fire commissioner under such regulations as the Municipal Explosives Commission shall prescribe. The said fire commissioner shall have power to revoke the license or licenses in case in his judgment, there is an infraction of the provisions of this ordinance or of the regulations of the Municipal Explosives Commission.

5. No licensee shall employ any one in the use or care of explosives such as are used in blasting operations unless such person shall hold a certificate of fitness issued to him by the fire commissioner under the regulations established by the Municipal Explosives Commission.

6. No gun powder, blasting powder, dynamite, gun cotton, nitro-glycerine, or such other explosives as may be hereafter designated for prohibition under this ordinance by the Municipal Explosives Commission shall be manufactured in the said city.

7. No holder of a license hereunder can avail himself of any of the privileges of the samo until he shall have filed a bond with the same commissioner in the penal sum of not less than one thousand dollars ($1,000) nor more than five thousand dollars ($5,000), to be approved by the comptroller, the amount of the said bond to be determined by the regulations as prescribed by the Municipal Explosives Commission, said bond to be conditioned for the payment of any loss, damage or injury resulting to persons or property from explosions and for the strict observance of this ordinance and the regulations made hereunder.

8. The Municipal Explosives Commission may, by a unanimous vote of its members, subject to the approval of the fire commissioner, provide for an increase of the amount of the bond to be filed with the said commissioner, in accordance with Section 7 of this ordinance, to an amount not exceeding twenty-five thousand dollars ($25,000), said bond to be approved by the comptroller in accordance with Section 7 of this ordinance.

9. In case of the violation of the provisions of this ordinance or regulations on explosives, even though no damage to persons or property be sustained, twenty (20) per cent. of said bond for the first infraction and the whole amount for the second offense shall be forfeited therefor and paid over to and for the use and benefit of the Relief Fund of the Fire Department of The City of New York.

10. The commander, owner or owners of any ship or vessel arriving in the harbor of New York, and having more than twenty-eight (28) pounds of gun powder or other explosive named in this ordinance on board shall, immediately upon arrival and before such ship or vessel shall approach nearer than 300 yards of the pier line of said city, give written notice to the fire commissioner of the fact that such explosives are on said vessel. And all vessels having on board or loading explosives exceeding twenty-eight (28) pounds shall cause to be displayed at the masthead nearest the land while remaining within the city limits a red flag at least five feet square, and no ship or vessel shall lie at the pier after sunset having more than twenty-eight (28) pounds of explosives without a permit from the said commissioner, said permit to be issued for not exceeding forty-eight (48) hours.

11. Nothing in this ordinance shall be construed to apply to any ship or vessel of war in the service of the United States or any foreign government while lying at a distance of 300 yards or upward from the pier line of said city, nor to any ship or vessel of war in the service of the United States while lying in any part of the Navy Yard in the Borough of Brooklyn.

12. This ordinance shall take effect immediately. Adopted by the Board of Aldermen May 13, 1902. Approved by the mayor May 19, 1902.

Fireworks and explosive compounds; manufacture and sale thereof.

Sec. 764. No fireworks detonating works, cartridges powder train, percussion caps, collodion nitrate of soda, nitrate of silver, ether phosphorus, matches, or explosive compounds, or explosive substances shall hereafter be manufactured in the city, except at such places, in such manner, and in such quantities as shall be determined by the said commissioner in the exercise of his discretion, under a permit by him granted therefor, and subject to be revoked at any time by said commissioner. Fireworks, consisting of Chinese crackers, rockets, blue lights, candles, colored pots, lance-wheels, and other works of brilliant-colored fires, may be kept upon sale intervening the tenth day of June and the tenth day of July in each year, by retail dealers, under such reasonable regulations as said commissioner may prescribe, under a permit issued therefor.

Petroleum and coal oils, etc.; sale thereof.

Sec. 765. No person shall have, keep on sale, or store in any place or building within the corporate limits of the city, any crude petroleum, coal or any similar oil, nor any of their products, either of which shall emit an inflammable vapor at a temperature below one hundred degrees Fahrenheit, except under the following provisions: or any of their products may be stored in detached and properly ventilated warehouses, the outer walls of which shall be stone, brick, or iron, especially adapted for the purpose by having raised sills, at least two feet high, or the ground floor of which shall be at least two feet below the level of the street or adjoining yard, or so constructed as to actually prevent the overflow of such substances beyond the premises where the same may be kept stored, which said warehouses shall not be occupied in any part as a dwelling, and if less than fifty feet from any adjacent dwelling, the same must be separated by a brick or stone wall, at least ten feet in height and sixteen inches thick, constructed in such manner as said commissioner may prescribe, but the same may be stored in such other manner as said commissioner may designate under a special permit issued therefor. No refined petroleum, kerosene, coal or similar oil, or earth or rock oil, or machinery oil, or any product thereof to be used for illuminating or heating purposes which shall emit an inflammable vapor at a temperature below one hundred degrees Fahrenheit, shall be kept upon sale or stored within the corporate limits of the city. All said articles shall be tested and their quality determined by sanitary surveyors authorized by said commissioner, using G. Tagliabue's instruments, or such other instruments as may be designated by said commissioner, the barrels or packages containing the same to be legibly stamped or marked with said inspector's official stamp or mark. No refined petroleum, kerosene, gasoline, naphtha, or benzine, benzole, camphene or burning fluid products or compounds containing any of said substances, when temporarily placed above the cellar or basement of any building, and in barrels of not over forty-five gallons each, or in metallic vessels or tanks, shall exceed in the whole quantity the contents of fifty of said barrels; provided, however, that the whole quantity of said refined oils that may be so kept or stored over night shall not exceed the contents of ten of said barrels, unless stored in the manner provided for storing crude petroleum, and when stored in cellars or basements, surrounded by walls of brick or stone, and at least two feet below the level or grade of the sidewalk, street or land adjacent, the whole quantity shall not exceed the contents of 150 barrels, unless stored in warehouses specially adapted for that purpose, as required for the storage of crude petroleum under this section; provided, also, that no quantity of said oils greater than one barrel shall be stored or kept in any building occupied in any part thereof as a dwelling. No refined petroleum, kerosene, gasoline, naphtha, benzine, benzole, camphene, burning fluid or products or compounds containing any of said substances, shall be kept or stored on or above the first story or floor of any building exceeding in the whole quantity the contents of five barrels, of forty

gallons each. In no case shall any of the articles named in this section be allowed to remain on the sidewalk beyond the front line of any building, or in or upon the streets, docks, piers, bulkheads, slips, highways or public places a longer time than is actually necessary for the removal or loading of the same, and said commissioner may establish and enforce general regulations and issue such orders and special directions relative to the handling, lightering, carting, loading and transportation of the several articles named under this section as in his discretion shall be deemed necessary for the public protection, and said commissioner may issue special permits authorizing the keeping of any of the articles enumerated under this section in buildings, tanks or structures fireproof throughout, in such quantities, in such manner and subject to such regulations as shall tend to secure the same against danger.

Id.; continued.

Sec. 766. No person shall sell at retail or give away any kerosene, or other product of petroleum, or any similar oil to be used for heating or illuminating purposes, without first obtaining a license therefor from the fire commissioner, under such rules and regulations as he may prescribe, which license shall be for the term of one year and shall not be transferable, and for every such license and for every renewal of the same the said commissioner shall demand and receive the sum of ten dollars. Said license shall be posted in a conspicuous place in the store of the person or persons to whom the same is issued and may be revoked for cause by said commissioner. Any person who shall sell any of the compounds above mentioned in this or the last section, without first obtaining a license therefor, shall forfeit and pay the sum of twenty-five dollars.

Criminal liability if death results from violation of foregoing rules.

Sec. 767. In case any person is burned by the explosion of any compound, the sale of which is prohibited by any law or ordinance, or which has not been subjected to sanitary survey, or licensed as therein provided, and death ensues therefrom, the person found guilty of selling the same shall be deemed guilty of a felony, and, upon conviction, shall be punished by a fine of not less than one thousand dollars, nor more than five thousand dollars, or by imprisonment in the state prison for a term not less than one year nor more than five years; and in case of a bodily injury the party injured may maintain an action for damages against the party violating the provisions of this title. Any dealer who shall present and deliver for sanitary survey a sample of oil different from, and which does not represent the quality of oil actually kept by him or her for sale, and not taken from the actual stock being offered for sale, and of the same quality therewith, shall forfeit and pay the sum of fifty dollars. If any fire insurance company, organized under the laws of this state, or any insurance company of any other state, or any foreign insurance company authorized to do the business of insurance in this state, shall indorse upon any policy issued by them the right or privilege to keep, deal in, give away, sell or use any article or compound of a combustible or explosive character, the sale of which is made unlawful, or shall cause or permit such indorsement to be made by others upon their policies of insurance, they shall for each and every such offense forfeit and pay a fine of five hundred dollars.

Fires and lights on vessels transporting petroleum.

Sec. 768. It shall be unlawful for the owner or for any of the officers, employes, or crew of any ship, vessel, canal boat, barge, lighter, boat or other craft lying at or within one hundred and fifty feet of any warehouse, yard, shed, dock, pier, bulkhead, wharf or other place within The City of New York, at, in, or on which petroleum oil, or any of its products, is stored, or kept for export, or in quantities exceeding ten thousand gallons; or, for any other person or persons, to bring, keep, have or use, or suffer or permit to be brought, kept, had or used on board of any such ship, vessel, canal boat, barge, lighter, boat or other craft, or at, in, or on any such warehouse, shed, yard, dock, pier, bulkhead, wharf, or other place, any lighted match, or lighted cigar, cigarette or pipe, or any fire or light of any kind, without or otherwise than in strict conformity with written permission of the owner, lessee or superintendent of such warehouse, shed, yard, dock, pier, bulkhead, wharf, or other place, specifying the fire or light to be kept, had, or used, the particular purpose for, and the place or spot at which the same may be so kept, had, or used, and the particular manner of keeping, having, or using the same. This section shall not apply to steam tugs while transacting their ordinary business, nor to steam fire engines engaged in extinguishing fires. Every violation of this section shall be a misdemeanor, triable before the court of special sessions.

Storage of certain chemicals regulated.

Sec. 769. (Repealed by passage of following ordinance by Board of Aldermen, May 13, 1902.)

An ordinance to regulate the sale, use and transportation of explosives in The City of New York. (Changing section 769 of the Greater New York Charter.)

Sec. 769. Be it ordained by the Board of Aldermen of The City of New York as follows:

1. No person, firm or corporation shall have, use, keep, sell or give away any substance or compound or mixture having such properties that it may, spontaneously or acting under the influence of any contiguous substance, or of any chemical or physical agency, ignite, inflame or generate inflammable vapors to a dangerous extent within the limits of The City of New York, except in the manner and upon the conditions herein provided and under such regulations as the Municipal Explosives Commission shall prescribe. The fire commissioner of said city, under and in pursuance of regulations established by the Municipal Explosives Commission, may issue licenses to any person desiring to have, use, keep, sell or give away any of the articles designated in this section. The Municipal Explosives Commission shall prepare such regulations as in its judgment may be necessary to control the storage and handling of the materials specified in this section, and it shall from time to time add to such list and bring under such regulations such other materials as the public safety may require. Said regulations and the amendments thereto shall be subject to approval by the mayor, and when so approved shall be published by the fire commissioner in the City Record and in such other manner as he may deem necessary.

2. This ordinance shall take effect immediately. Adopted by the Board of Aldermen May 13, 1902.—Approved by the mayor May 19, 1902.

Of certain vegetable products.

Sec. 770. No quantity of cotton, hay, straw, flax, hemp, husks, rushes, oakum, rags, seaweed, jute or other vegetable fiber when pressed or baled greater than twenty tons in the whole, shall be stored or kept in any building within The City of New York, unless kept in a building fireproof throughout, or upon an open space of ground surrounded by a wall constructed entirely of fireproof materials at least twelve feet high and twelve inches thick, or within a fireproof building, remote or distant at least fifty feet from any adjacent building, or in a building approved by the New York board of underwriters or the fire commissioner, and of which approval a certificate shall have been issued by said board or commissioner, and shall not have been revoked; and none of the artices enumerated in this section, when loose or not baled, shall be kept as aforesaid in quantity exceeding one thousand pounds in the whole; excepting in a private stable, in which may be kept such loose hay and straw in quantity not exceeding twenty-five hundred pounds in the whole, except upon the approval of the fire commissioner. No person shall have, put or keep any hay or straw uncovered in any stack or pile or in any other way exposed, within one hundred yards of any building in said city, or shall have, put or keep within said city any hay, straw, hemp, flax, shavings or rushes in any building not built of stone or brick, or iron, or covered with tile or slate, or other fireproof material, which is or shall be within ten feet of any dwelling house or chimney whatsoever, except upon like approval.

Right to enter buildings, etc., for purposes of examination.

Sec. 771. The commissioner and his officers or agents, under the direction of the commissioner, or either of them, are hereby empowered at any and all times to enter into and examine all buildings, dwelling houses, livery and other stables, hay boats, or vessels, and places where any merchandise, gunpowder, hemp, flax, tow, hay, rushes, firewood, boards, shingles, shavings, or other combustible materials may be lodged, for the purpose of ascertaining all violations of any law or ordinance, and also the places where ashes may be deposited, and upon finding that any of them are defective or dangerous, or that a violation of any law or ordinance exists therein, may deliver a written or printed notice, containing a copy of the provisions in reference thereto, and notice of any violation thereof, and notice to remove, amend or secure the same within a period to be fixed therein. And in case of neglect or refusal on the part of such occupant or of the possessor of such combustible materials, or any of them, so to remove, amend, or secure the same within the time and in the manner directed by the said commissioner in such notice, the party offending shall forfeit and pay, in addition to any penalty otherwise imposed, the sum of twenty-five dollars, and the further sum of five dollars for every day's neglect to remove, amend, or secure the same after being so notified. All the expenses of any removal, alteration or amendment as aforesaid, shall be paid in the first instance by the occupant, but shall be chargeable against the owner of such dwelling-house or other building, and shall be deducted from the rent of the same, unless such expense be rendered necessary by the act or default of such occupant, or unless there be a special agreement to the contrary between the parties.

Information to be furnished by holders of permits.

Sec. 772. All persons or corporations who shall be required to have and obtain permits shall furnish such information as may be required, touching the condition of any building and the business therein proposed to be conducted, preliminary to obtaining such permits.

Fines and penalties.

(See Code of Ordinances Library.)

Sec. 773. Any person, persons or corporations for the violation of or noncompliance with any of the several provisions of the several sections of this title, when the penalty is not therein specially provided, shall severally forfeit and pay a fine or penalty in the sum of fifty dollars for each and every offense, or shall forfeit and pay the penalties respectively imposed under any of said sec-

tions, and shall also be severally liable for any costs or expenses that may be incurred by any violation of, or non-compliance with, any requirement under said sections, and shall also be severally liable for the payment of the further penalty of the sum of fifty dollars for any violation of, or non-compliance with, and regulation, order or special direction issued by said commissioner, or for failure to attend and testify as required by any subpena issued, as authorized under this chapter. Said commissioner may, in his discretion, pay a portion of a fine or penalty when collected, not to exceed one-half thereof, to any person giving information of any such violation. All suits and proceedings authorized by this title or to recover any penalty for the violation of or failure to comply with any law or any rule, regulation, order or requirement of, or made pursuant to the provisions of any law, the enforcement of which is charged upon said department, or any of the several bureaus thereof, shall be brought by and in the name of the fire commissioner of The City of New York, but no fees or costs shall be demanded of said department in any such suit or proceeding. Any person who shall willfully violate or neglect or refuse to comply with any provision or requirement of this title or any regulation, order or special direction duly made thereunder, shall also be guilty of a misdemeanor.—As amended by Laws of 1901, Chapter 466.

Fire commissioner, duties of.

Sec. 774. The commissioner is empowered to enforce all laws and ordinances and the rules and regulations of the board of standards and appeals in respect of

1. The prevention of fires and danger to and loss of life and property therefrom;

2. The storage, sale, transportation or use of combustibles, chemicals and explosives;

3. The installation and maintenance of automatic or other fire alarm systems and fire extinguishing equipment;

4. The means and adequacy of exit, in case of fire, as provided in the labor law, the building code and the rules and regulations of the board of standards and appeals, in and from all buildings, structures, enclosures, vessels, places and premises in which numbers of persons work, live or congregate from time to time for any purpose except tenement houses.

5. The investigation of the cause, circumstances and origin of fires and the suppression of arson.

6. The use and occupancy of buildings and other structures except tenement houses.

The fire commissioner shall not vary from, proceed or issue any order contrary to the building code, a rule, regulation or decision of the board of standards and appeals, or of the board of appeals.

The powers conferred upon the fire commissioner by this section are exclusive of the department of labor, and such department shall not exercise any of such powers in the city of New York.

The powers conferred by this section shall not, however, extend to the enforcement of any provision of the sanitary code or the regulations of the board of health, nor interfere in any manner with the powers or duties of the department of health or of the health commissioner.

Sec. 8. Subdivisions two and three of section seven hundred and seventy-five of the Greater New York charter as amended by chapter four hundred and fifty-nine of the laws of nineteen hundred and fourteen, are hereby amended so as to read as follows:

2. Order, in writing, the remedying of any condition found to exist in, on or about any building, structure, enclosure, vessel, place or premises, except tenement houses, in violation of any law or ordinance or rule or regulation of the board of standards and appeals in respect to fires or to the prevention of fires or in respect to any of the matters mentioned in section seven hundred and seventy-four, except as otherwise provided in this act and except the tenement house law;

3. Order, in writing, the installation, as prescribed by any law or ordinance or by the rules and regulations of the board of standards and appeals, in any building, structure, enclosure, vessel, place or premises, of automatic or other fire alarm system or fire extinguishing equipment and the maintenance and repair thereof; or the construction, as prescribed by any law or ordinance or rule or regulation of the board of standards and appeals, of adequate and safe means of exit from all buildings, structures, enclosures, vessels, places and premises, except tenement houses.—As amended by Laws of 1916, Chap. 503.

Powers of the commissioner.

Sec. 775. The commissioner is further empowered to

1. Cause any building, structure, enclosure, vessel, place or premises, or any part thereof, or thing therein or attached thereto, to be examined and inspected by any officer or employee of the department designated for such purpose;

2. Order, in writing, the remedying of any condition found to exist in, on or about any building, structure, enclosure, vessel, place, of premises, except tenement houses, in violation of any law or ordinance or rule or regulation of the industrial board of the department of labor in respect to fires or to the prevention of fires, except the tenement house law; but the commissioner shall make no such order, respecting the means and adequacy of exit from a factory, as defined by the labor law;

3. Order, in writing, the installation, as prescribed by any law or ordinance or by the rules and regulations of the industrial board of the department of labor, in any building, structure, enclosure, vessel, place or premises, of automatic or other fire alarm system or fire extinguishing equipment and the maintenance and repair thereof; or the construction, as prescribed by any law or ordinance, of adequate and safe means of exit from all buildings, structures, enclosures, vessels, places and premises, except tenement houses and except factories as defined by the labor law;

4. Order any building, structure, enclosure, vessel, place or premises, which, in the opinion of the commissioner, is inadequately protected against fire perils to be vacated, or to be condemned and removed;

5. Cause any vessel moored to or anchored near any dock or pier in the city to be removed to and secured at such place in the harbor as shall be designated by the commissioner, provided such vessel shall be on fire or in danger of catching fire or is, by reason of its condition or the nature of its cargo, a menace to shipping or to property or the water-front of the city;

6. The commissioner or any authorized officer or employee of the department may enter, at any reasonable hour, any building, structure, enclosure, vessel, place or premises, or any part thereof, to make inspections or in furtherance of the purpose of any provision of this chapter.

Orders of the department or of the fire commissioner shall be addressed to the owner or owners, lessees or occupants of the building, structure, enclosure, vessel, place or premises affected thereby, but it shall not be necessary to designate such owner or owners, lessees or occupants, by name in any such order, but the premises shall be designated in the address, so that the same may be readily identified. Service of any such order may be made by delivery of a copy thereof to the owner or any one of several owners, to a lessee or any one of several lessees, or to any person of suitable age and discretion in charge or apparently in charge of the premises, or if no person be found in charge of the premises then by affixing a copy of such order prominently upon the premises.—As amended by Laws of 1914, chap. 459.

7. The plans for all alterations and structural changes in and for the installation of fire extinguishing equipment to be made or installed in buildings or other structures pursuant to orders of the fire commissioner shall be filed in the office of the superintendent of buildings of the borough in which such building or structure is situated.—As amended by Laws of 1916, Chap. 503.

Orders, et cetera, of fire commissioner.

Sec. 775-a. Every rule, regulation, amendment or repeal thereof, and every order, requirement, decision or determination of the fire commissioner authorized by this title, shall be in writing. He shall deliver a copy of every order to the superintendent of buildings of the borough in which such building or structure is located. Each superintendent of buildings shall notify the fire commissioner when plans are filed to comply with any order of the fire commissioner, and when the work to be done pursuant to any such order is completed. In any action or proceeding founded upon a claim by the fire commissioner that a lawful order made by him has not been complied with, the certificate in writing of the superintendent of buildings of the borough in which the building or structure is situated, shall be presumptive evidence of any matter stated therein concerning the filing of plans to comply with an order of the fire commissioner, the sufficiency of such plans to so comply and the completion or failure to complete the work required to be done pursuant to such an order—As added by Laws of 1916, Chap. 503.

Fire drills.

Sec. 775-b. The fire commissioner in cases where provision is not otherwise made by law or ordinance, is empowered in his discretion to require and compel the regular and period cal performance of a fire drill, including instruction and practice in the use of means of exit, alarm systems and fire prevention or extinguishing methods and equipment, in all buildings, structures, enclosures, vessels, places and premises where numbers of persons work, live or congregate in the city of New York except tenement houses.—As added by Laws 1914, chapter 459.

Fire hazards are nuisances; procedure to abate same.

Sec. 776. Any building, structure, enclosure, vessel, place or premises perilous to life or property in case of fire therein, thereon or adjacent thereto, by reason of the nature or condition of its contents, its use, the overcrowding of persons therein, defects in its construction, or deficiencies in fire alarm, fire extinguishing or fire escape equipment or by reason of any condition in violatoin of law, ordinance, or order of the commissioner, is a nuisance within the meaning of this act, the penal law and the code of ordinances. The commissioner is empowered to abate any such nuisance.

If any person shall immediately agree in writing to comply with an order, the commissioner may fix such time as he deems reasonable within which such person may comply. Upon the refusal or neglect of a person served with an order to comply therewith the commissioner may execute and enforce such order with employees and equipment of the department, or by the employment of other agencies as the commissioner may direct, subject to the right of a survey in respect to such order. Nothing contained in this section shall be held to authorize the commissioner to alter the construction of any building, structure, vessel, enclosure, place or premises, or to supply any deficiency in the fire alarm, fire extinguishing or fire escape equipment thereof, but he may prohibit and prevent the occupancy or use of any building, structure, vessel, enclosure, place or premises or public access thereto, until an order is complied with.

Sec. 2. Section seven hundred and seventy-eight-c of the Greater New York charter is hereby amended to read as follows:

Sec. 778-c. The powers and functions heretofore given to and vested in the municipal explosives commission are hereby transferred to and vested in the fire commissioner, and the municipal explosives commission is hereby aholished. The property, funds and appropriation of the municipal explosives commission are hereby transferred to the fire department, but the fire commissioner may for a period of sixty days from the passage of this act employ and pay from the aforesaid appropriation such members and employees of the commission as he deems advisable. All regulations of such commission in force immediately prior to the passage of this act shall continue to constitute a chapter of the code of ordinances of the city, subject to amendment or repeal by the board of aldermen. The fire commissioner is further empowered to make additional regulations for the sale, storage, keeping, manufacture or transportation of combustible, inflammable or explosive materials or articles. The sale, storage, keeping, manufacture or transportation of combustible, inflammable or explosive materials or articles in violation of the regulations authorized by this section is hereby prohibited.—As amended by Laws of 1914, chap. 495.

Reimbursement for expenses; procedure.

Sec. 776-a. The expenses attending the execution of any and all orders duly made by the department shall respectively be a several and joint personal charge against each of the owners or part owners, and each of the lessees and occupants of the building, structure, vessel, enclosure, place or premises to which said order relates, and in respect of which said expenses were incurred; and also against every person or body who was by law or contract bound to do that in regard to such building, structure, vessel, enclosure, place or premises which said order requires, and said expenses shall also be a lien on all rent and compensation due, or to grow due, for the use of any building, structure, vessel, enclosure, place or premises, or any part thereof, to which said order relates, and in respect of which said expenses were incurred.—Added by Laws of 1911, Chapter 899.

Secs. 777, 777a, 777b, repealed by Act of 1916.

Application for order to remove violations and to vacate buildings.

Sec. 778. In case any order to remedy a condition eminently perilous to life or property issued by the commissioner or the department is not complied with, or the commissioner certifies in writing that an emergency exists requiring such action, he may order any building or structure or part thereof to be vacated. Such order shall be addressed and served in the same manner as is prescribed in section seven hundred and seventy-five for the service of orders. Whenever any order to vacate served as

aforesaid shall not have been complied with, within the time designated therein, the commissioner, in addition to or in lieu of any other remedy or power, may apply to the supreme court, at a special term thereof, without notice, for an order directing the said commissioner to vacate such building or premises, or so much thereof as said commissioner may deem necessary, and prohibiting and enjoining all persons from using or occupying the same for any purpose until such measures are taken as may be required by such order.—As amended by Laws of 1916, Chap. 503.

Transmitting notice to owner.

Sec. 778-a. In case any order or notice mentioned in or given pursuant to section seven hundred and seventy-five or seven hundred and seventy-eight shall be served upon or given to any lessee or person in possession or charge of the building, structure, vessel, place or premises therein described it shall be the duty of such person to give immediate notice to the owner or agent of said building, structure, enclosure, vessel, place or premises named in the notice, if the same shall be known to such person personally, if such owner or agent shall be within the limits of the city of New York, and his residence known to such person; and if such owner or agent be not within said city, then by depositing a copy of such order or notice in any post office in the city of New York, properly enclosed and addressed to such owner or agent, at his then place of residence, if known, and with the postage prepaid. In case any lessee or person in possession or charge of aforesaid shall neglect to give such notice as herein provided, he shall be personally liable to the owner or owners of said building or premises for all damages he or they shall sustain by reason of such neglect.—As amended by Laws of 1916, Chap. 503.

Investigation of fires.

Sec. 778-b. The commissioner, through the chief of the bureau of fire prevention, a fire marshal, an assistant fire marshal or other officer of the department lawfully empowered to administer oaths and take testimony, shall investigate the origin of all fires, and particularly of all cases of supposed arson, incendiarism or fires due to criminal carelessness, which may be brought to the notice of the department or any officer thereof. The officer conducting such an investigation shall have power to summons under subpoena and take the testimony, in writing and under oath, of all persons supposed to be cognizant of any fact or to have means of knowledge in respect of the origin and circumstances of any supposed arson, incendiarism or fire due to criminal carelessness. All such testimony, duly verified, with the report of the investigating officer, setting forth his opinion and conclusions in respect of the case, shall be transmitted to and filed in the department. A copy of such testimony and report may be furnished, in the discretion of the commissioner, to the New York board of fire underwriters, to the owners of property, or other persons interested, provided, that in all cases of supposed arson, incendiarism or fires due to criminal carelessness, the commissioner, or an officer of the department authorized by him, shall promptly seek the co-operation of the police department and the district attorney of the county in which the supposed crime shall have occurred, and in all such cases the commissioner shall cause the police commissioner and the district attorney to be furnished with copies of the testimony taken and reports made by officers of the department in respect of such supposed arson, incendiarism or fires due to criminal carelessness. All evidence, with the addresses of probable witnesses, in any such case shall be reported by the department to the appropriate district attorney without delay.—Added by Laws of 1911, Chapter 899.

Municipal explosives commission.

Sec. 778-c. The municipal explosives commission, as constituted at the date when this act shall take effect, is continued, and its members shall hold office during the pleasure of the mayor. All regulations of such commission approved by the fire commissioner, except such as relate exclusively to its organization, or to the duties and [illegible] of its officers and employees, shall constitute a chapter of the code of ordinances of the city, and shall be subject to amendment or repeal by the board of aldermen.

All acts or parts of acts in so far as inconsistent with the provisions of this act are hereby repealed.—Added by Laws of 1911, Chapter 899.

TITLE 4.

FIRE MARSHALS AND INVESTIGATION OF ORIGIN OF FIRES.

Investigation of fires, etc.

Sec. 779. The fire commissioner is hereby authorized to appoint and remove a fire marshal for the boroughs of Manhattan, The Bronx and Richmond, and a fire marshal to be seated in Brooklyn and to exercise his powers within the boroughs of Brooklyn and Queens. Said fire marshals shall be members of the uniformed force of the fire department of The City of New York, and within such boroughs, respectively, to which they may be assigned, shall have and possess all the powers heretofore conferred by law upon the fire marshal of the corporation heretofore known as the mayor, aldermen and commonalty of The City of New York. The salary of each of said fire marshals shall be three thousand dollars a year. The fire commissioner, himself or by said marshals, is hereby authorized and empowered to investigate, examine and inquire into the origin, details and management of fires in the city, and also of any supposed cases of violations of any of the provisions of this chapter, or of any of the several regulations, orders or special directions issued by the fire commissioner for the purpose of the discovery of any delinquency in the non-performance of duty or violation of discipline on the part of any officer, agent or employe of said fire department, or any supposed cases of arson or incendiarism, which may be brought to his notice; and said fire commissioner in and about any examination, investigation or inquiry before him or his marshals, touching any matter or thing therewith connected, may subpoena and compel the attendance of any person or persons, and the production of any books, papers, archives or documents in his or their possession, or under his or their control, in the judgment of the fire commissioner connected with and necessary to such examination, investigation or inquiry, before him or his marshals, at the time and place therein named; and for the purpose aforesaid, the corporation counsel may, at any time, obtain to be issued subpoenas out of the supreme court, attested under the name of a justice of said court, in like form and with like effect as though issued by said justice in any action pending in a court of record, and said subpoena may be served, and proof of such service may be made, in the same manner as now by law provided for the service of subpoenas out of said court; and upon proof of service and proof of non-compliance, failure to attend and testify on the part of any person or persons, as required by said subpoena, or failure or refusal on the part of any person or persons to produce any such books, papers, archives, or documents, in his or their possession, or under his or their control, or a failure or refusal on his or their part to answer any question put to him or them, and pertinent thereto, upon any examination, inquiry, or investigation as aforesaid, application may be made before any justice of said court, who shall, in case he shall decide such question pertinent and proper to be answered, thereupon cause to be arrested, and may punish as for a contempt of the orders of said court, the person or persons named in said subpoena, and in such case the laws, rules, and proceedings relating to punishment for contempts, and usual in said court, or before any justice thereof, shall be applicable thereto. Said commissioner and fire marshals, in conducting any examination or inquiry as aforesaid, are hereby authorized to adminster any oath or affirmation in the matter, and any false swearing under said oath or affirmation thus adminstered shall be perjury, and punishable as such in such manner as now provided under the laws applicable thereto; and said examination or investigation may be continued and adjourned by the said commissioner or fire marshal conducting the same, from time to time, and at such time and place as shall be designated, and any person subpoenaed as aforesaid shall attend and testify upon said adjourned day or days, and at the time and place designated, and of which they shall have been notified, as though the same had been named in said subpoena, and with like effect as to any failure to appear and answer under the requirements therein contained; provided, that any testimony or evidence taken as aforesaid shall be for the information and instruction of said fire commissioner in the discharge of his duties, and in the prevention of future fires, and the protection of property, and shal be carefully kept in the archives and possession of said fire department, and shall in no manner be used in any criminal proceeding or action, but may be placed before any grand jury in said City of New York. Such investigations in relation to the subject matter hereinabove defined within the boroughs of Brooklyn and Queens, shall be carried on by the deputy commissioner and fire marshal seated in the borough of Brooklyn, under the direction of said fire commissioner.

Fire marshals may enter buildings to examine them.

Sec. 780. It shall be the duty of a marshal or his officers and agents, when authorized by him in writing so to do, to enter into any building or permises within said city for the purpose of examining, or causing to be examined, the stoves and pipes thereto, ranges, furnaces and heating apparatus of every kind whatsoever, including the chimneys, flues and pipes with which the same may be connected, engine rooms, boilers, ovens, kettles, and also all chemical apparatus or other things which in his opinion may be dangerous in causing or promoting fires, or dangerous to the firemen or occupants in case of fire, and upon finding any of them defective or dangerous, or in any manner exposed or liable to fire from any cause, he shall report the same to the commissioner, who may thereupon issue orders or special directions, either printed or written, directing the owner or occupant to alter, remove, or remedy the same in such manner and within such reasonable time as may be necessary, and in respect thereto may authorize and direct the use of such materials and appliances as shall be deemed proper and necessary, and in case of neglect or refusal so to do within the time prescribed by such orders or directions, such fire marshal, under the direction of said commissioner, shall cause said alteration, removal or other necessary act or work to be done and the expense thereof shall be charged to the party so offending, to be sued for and recovered in the manner herein provided for the recovery of fines and penalties under this chapter. And in addition thereto the party so offending shall forfeit the sum of fifty dollars, to be recovered in said action or in an action brought therefor by the fire commissioner.

Id.; to trace the cause of fires, arrest of suspected persons.

Sec. 781. It shall be the duty of a fire marshal to examine into the cause, circumstances, and origin of fires occurring in said city, by which any building, vessels, vehicles, or any valuable personal property shall be accidentally or unlawfully burned, destroyed, lost or damaged.

wholly or partially; and to especially inquire and examine whether the fire was the result of carelessness or the act of an incendiary. Such fire marshal shall take the testimony, on oath, of all persons supposed to be cognizant of any fact or to have means of knowledge in relation to the matters herein required to be examined and inquired into, and cause the same to be reduced to writing, verified and transmitted to the fire commissioner with his report in writing, embodying his opinion and conclusions in relation to the matter investigated. Such fire marshal shall report in writing to the fire department, to the police department, to the district attorney, to the New York board of fire underwriters, to the owners of property, or other persons interested in the subject matter of investigation, any facts and circumstances which he may have ascertained by such inquiries and investigations which shall, in his opinion, require attention from or by either of said departments, officers or persons, and it shall be the duty of such fire marshal, whenever he shall be of opinion that there is evidence sufficient to charge any person with the crime of arson, to cause such person to be arrested and charged with such offense, and furnish to the district attorney all the evidences of guilt, with the names of witnesses, and all the information obtained by him, including a copy of all pertinent and material testimony taken in the case; and he shall specially report to the fire commissioner, as often as such commissioner shall require, his proceedings, and the progress made in all prosecutions for arson, and the result of all cases which are finally disposed of.

Id.; may compel attendance of witnesses.

Sec. 782. A fire marshal shall have power to issue a notice in the nature of a subpoena, in such form, and subscribed in such manner as the fire commissioner shall prescribe, to compel the attendance of any person as a witness before him, to testify in relation to any matter which is, by the provisions of this title, a subject of inquiry and investigation by the said marshal. The said marshal shall be, and hereby is authorized to administer and verify oaths and affirmations to persons appearing as witnesses before him; and false swearing in any matter or proceeding aforesaid shall be deemed perjury and shall be punishable as such. Upon the presentation of satisfactory proof of due service of any such notice in the nature of a subpoena upon any such witness, and of a failure by such witness to obey the same, it shall be the duty of the fire commissioner to make an order that the said witness be arrested and brought before said marshal, to testify what such witness may know in relation to the subject matter of inquiry. Such order may be executed by any member of the police force, by arresting and bringing such witness before the said marshal, but such witness shall not be detained longer than is necessary to take such testimony. The fire marshals shall have authority at all times of the day or night, in performance of the duties imposed by the provisions of this title, to enter upon and examine any building or premises, when any fire shall have occurred, and the building and premises adjoining and near to that in which the fire occurred.

Id.; commissioner may supervise investigations by.

Sec. 783. It shall be the duty of the fire commissioner to supervise and direct, whenever he shall be of opinion that the public interest will be subserved thereby, the investigations, examinations, and proceedings of said marshals, and make all needful and proper rules and regulations in relation to the duties of the office, and the manner of performing the same.

TITLE 5.

RELIEF FUND AND PENSIONS.

Of what fund consists; officers and investment.

Sec. 789. The New York fire department relief fund shall consist of:

1. The capital, interest, income, dividends, cash deposits, securities and credits formerly or now belonging to said funds in any of the municipal and public corporations, or parts thereof, hereby consolidated into The City of New York.

2. All forfeitures and fines imposed by the fire commissioner, from time to time, upon any member or members of the fire department force by way of discipline.

3. All rewards, in money, fees, gifts, testimonials, and emoluments that may be paid or given for account of extraordinary services by any member of the fire department force, except such as have been or shall be allowed by the fire commissioner, to be retained by said member or mem-gers, and such as have been or shall be given to endow a medal or other permanent or competitive reward.

4. All proceeds of suits for penalties, under title three of this chapter, and all license fees payable under the same which may be paid in from or collected in the boroughs of Manhattan, Brooklyn and Bronx, and forty-five per centum of such proceeds of suits for penalties and license fees as may be paid in from or collected in the boroughs of Queens and Richmond.

5. All proceeds of sales of condemned horses and other personal property in use by said department.

6. All moneys, pay, compensation or salary, or any part thereof forfeited, deducted or withheld from any member or members of the fire department force, for or on account of absence from duty, to be paid monthly to the treasurer of the said relief fund, by the comptroller of The City of New York, and the fire commissioner is authorized and empowered, in his discretion, to deduct and withhold pay, salary or compensation from any member or members of said force, for or on account of absence from duty, except when such absence shall be caused by sickness or disability, for which leave of absence shall have been granted, in accordance with the rules of said department.

7. Ten per centum annually of all excise moneys or license fees belonging to The City of New York, as constituted by this act, and derived or received by any commissioner of excise or public officer, from the granting of licenses, or permission to sell strong or spirituous liquors, ale, wine or beer, or of any moneys paid for taxes upon the business of trafficking in or selling or dealing in strong or spirituous liquors, ale, wine or beer in the boroughs of Manhattan, Brooklyn and the Bronx under the provisions of any law of this state authorizing the granting of any such license or permission; and four and one-half per centum annually of such fees which are likewise derived or received for the granting of licenses or permission to sell strong or spirituous liquors, ale, wine or beer in the boroughs of Queens and Richmond; the said ten per centum and the said four and one-half per centum thereof to be paid by the comptroller of said city, who is hereby authorized and required to pay the same to the treasurer of the said relief fund for the benefit thereof, without any action or authority of or from the board of estimate and apportionment, provided, however, that sum, in addition to the income of the said relief fund from all other sources, shall not be more than sufficient to enable the trustee of the New York fire department relief fund to meet in full all charges against said fund, without encroaching on the surplus or principal thereof as the same existed on the first day of January, nineteen hundred and three. The commissioner of the fire department of The City of New York is hereby constituted and declared to be the trustee of the New York fire department relief fund, shall receive all moneys applicable to the same and deposit the same, as such trustee, to the credit of such relief fund, in banks or trust companies to be selected by him, and continue to receive and deposit the funds applicable to the same, as received, to the credit of said fund, or to invest the same in bond and mortgage on improved property worth twice the amount loaned, or in public stocks, as said trustee may deem most advantageous for the object of such fund, and said trustee is empowered to make all necessary contracts, and to take all necessary remedies in the premises. The treasurer of said fund shall give a bond, with one or more sureties, in the sum of one hundred thousand dollars, for the faithful performance of his duties, said bond to be approved by the comptroller and filed in his office. And the said trustee for and on behalf of the uses and purposes of said fund, shall be entitled to receive, and there shall be paid to him all duties, taxes, allowances, fines, penalties and fees to which the fire department of The City of New York, as at any time heretofore established, has been or is now entitled, except as in this act otherwise specially provided, and the said trustee may take, by gift, grant, devise or bequest, any money, real or personal property, right of property or other valuable thing the annual income of which shall not exceed thirty thousand dollars in the whole; and in any year when the condition of said relief fund shall render it, in the judgment of the said trustees, necessary, he may receive from the board of estimate and apportionment of The City of New York, a sum not exceeding ten thousand dollars, to be included in the annual estimate of the fire commissioner and drawn and collected by him in like manner as the other moneys applicable to his expenses; and such amounts so obtained shall, in like manner, be paid to and applied by the treasurer to the uses of said fund, by deposit or investment as hereinbefore provided, as the trustee thereof shall direct.—As amended by Laws 1904, Chapter 577.

8. On or before the first day of February of each year, the trustees shall make a verified report to the mayor of his proceedings as such trustee, containing a statement of all receipts and disbursements on account of said fund, together with the names and residences of each beneficiary and the amounts paid to such beneficiary for or on account of said fund. There shall be an auditing committee consisting of three members, to be appointed by the mayor, as follows: Two members to be selected from among the officers and members of the uniformed force of the fire department, and one member to be selected from the retired members of the fire department. It shall be the duty of this committee, on or before the first day of March in each year, to examine the condition of said relief fund and to audit the account of the said trustee.

9. There shall be paid to the treasurers of the exempt or veteran volunteer firemen's associations existing in the borough of Queens on the first day of January, nineteen hundred and one, quarterly, by the comptroller of The City of New York, for the benefit of said associations and without any action or authority of or from the board of estimate and apportionment:

a. Forty-five per centum annually of all proceeds of suits for penalties under title three of this chapter, which may be collected or paid in from the borough of Queens, and of all license fees payable under the same which may be collected or paid in from the borough of Queens.

b. Four and one-half per centum annually of all excise moneys or license fees belonging to The City of New York, as constituted by this act, and derived or received by any commissioner of excise or public officer from the granting of licenses or permission to sell strong or spirituous liquors, ale, wine or beer, in the borough of Queens, under the provisions of any

law of this state, authorizing the granting of any such license or permission.

Said moneys shall be apportioned by said comptroller among all such exempt or veteran volunteer firemen's associations, in proportion to the actual bona fide membership of each such association on the first day of January next preceding the time when such apportionment is made. In determining the membership of such associations, only exempt or honorably discharged volunteer firemen shall be considered as members.

10. There shall be paid to the treasurer of the veteran firemen's association of the north shore fire department of Staten Island, veteran and exempt volunteer firemen's association of the Edgewater fire department of Staten Island, New York, veteran volunteer firemen's association of Tottenville fire department, and the south shore veteran and exempt volunteer firemen's association, being exempt or veteran volunteer firemen's associations existing in the borough of Richmond at the time of the passage of this act, quarterly, by the comptroller of the city of New York for the benefit of said associations and without any action or authority of or from the board of estimate and apportionment:

a. Forty-five per centum annually of all proceeds of suits for penalties under title three of this chapter, which may be collected or paid in from the borough of Richmond, and of all license fees payable under the same which may be collected or paid in from the borough of Richmond.

b. Four and one-half per centum annually of all excise moneys or license fees belonging to the city of New York, as constituted by this act, and derived or received by any commissioner of excise or public officer from the granting of license or permission to sell strong or spirituous liquors, ale, wine or beer in the borough of Richmond, under the provisions of any law of this state, authorizing the granting of any such licenses or permission. Said moneys shall be apportioned by said comptroller among such exempt or veteran volunteer firemen's association in proportion to the actual bona fide membership of each such association on the first day of January next preceding the time when such apportionment is made. In determining the membership of such associations, only exempt or honorably discharged volunteer firemen shall be considered as members.—As amended by Laws 1907, Chapter 639.

11. There shall be paid to the treasurer of the firemen's association of the state of New York, who shall pay over the same to the treasurer of the volunteer firemen's home association at Hudson, New York, quarterly, by the comptroller of The City of New York without any action or authority of or from the board of estimate and apportionment:

a. Ten per centum annually of all proceeds of suits for penalties under title three of this chapter which may be col-

h. One per centum annually of all exlected or paid in from the boroughs of Queens and Richmond, and of all license fees payable under the same which may be collected or paid in from the horoughs of Queens and Richmond.

b. One per centum annually of all excise moneys or license fees belonging to The City of New York, as constituted by this act, and derived or received by any commissioner of excise or public officer from the granting of licenses or permission to sell strong or spirituous liquors, ale, wine or beer in the boroughs of Queens and Richmond, under the provisions of any law of this state, authorizing the granting of any such licenses or permission —As amended by Laws 1904, Chapter 577. (Sub. div. 7).

Retiring members of fire department; pensions, etc.

Sec. 790. The fire commissioner shall have power to retire from all service in the said fire department, or to relieve from service at fires, any officer or member of the uniformed force of said department, who may, upon an examination by the medical officers, ordered by the said fire commissioner, be found to be disqualified, physically or mentally, for the performance of his duties; and the said officer or member so retired from service shall receive from said relief fund an annual allowance as pension in case of total disqualification for service, or as compensation for limited service in case of partial disability; in every case the said fire commissioner is to determine the circumstances thereof, and said pension or allowance so allowed is to be in lieu of any salary received by such officer or member at the date of his being so relieved or retired from fire duty in said department, and the said department shall not be held liable for the payment of any claim or demand for services thereafter rendered, and the amount of such pension or allowance shall be determined upon the following conditions: In case of total permanent disability, at any time, caused in or induced by the actual performance of the duties of his position, or which may occur after ten years' active and continuous service in the said fire department, the amount of annual pension to be allowed shall be one-half of the annual compensation allowed such officer or member as salary at the date of his retirement from the service, or such less sum in proportion to the number of officers and members so retired as the condition of the fund will warrant. But should permanent disability caused by injuries received in the active discharge of his duties disqualify him only from performing active duty in the unoformed force, he shall be employed at the salary received when such disability occurred in some position in the department not requiring active service as a fireman. In case of total permanent disability not caused in or indused hy the actual performance of the dutles of his position, or which shall have occurred before the expiration of ten years active and continuous service in the said fire department, the amount of annual pension to be allowed shall be one-third of the annual compensation allowed such officer or memher as salary at the date of his retirement from the service, or in proportion to the number of officers and members so retired, as the condition of the fund will warrant. In case of partial permanent disability, caused in or induced by the actual performance of the duties of his position, or which may occur after ten years active and continuous service in the said fire department, the officer or memher so disabled shall be relieved from active service at fires, but shall remain a member of the uniformed service, subject to the rules governing said force, and to the performance of such light duties as the medical officer of the said fire department may certify him to be qualified to perform; and the annual allowance to be paid such member or officer shall be one-half of the annual compensation allowed as salary at the date of his being so relieved, or such less sum, in proportion to tho number of officers and members so retired, as the condition of the fund will warrant. In case of partial disability, not caused or induced by the actual performance of the duties of his position, or which may occur before ten years active and continuous service in the said fire department, the officer or member so disabled shall be relieved from active service at fires, but shall remain a member of the uniformed force, subject to the rules governing said force, and to the performance of such light duties as the medical officer of said department may certify him to he qualified to perform, and the annual allowance to he paid to such officer or member shall not exceed one-third of the annual compensation allowed as salary at the date of his being so relieved, or such less sum as the fire commissioner may, in his discretion, determine, or as the condition of the fund will warrant. Any officer or member of the uniformed force of the said fire deprtment of The City of New York, who has or shall have performed duty therein for a period of twenty years or upward, shall upon his own application, in writing, or upon a certificate of the board of medical officers showing that such member is permanently disabled, physically or mentally, so as to be unfit for duty, be retired and dismissed from said force and service, and placed on the roll of the relilef or pension fund, and awarded and granted, to be paid from the said relief or pension fund, an annual pension during his lifetime of a sum not less than one-half the full salary or compensation of such member so retired. The pensions granted under this section shall be for the natural life of the pensioner, and shall not be revoked, repealed or diminished; provided, however, that no member of either of the uniformed fire departments by this act consolidated, having a right to retire on pension at the time this act takes effect, shall be deprived of such right by reason of his remaining a member of said fire department, or of anything in this act contained.

Trustees of relief fund; when to pay pensions.

Sec. 791. The trustee of the relief fund is authorized and empowered, from time to time, to pay a pension out of said relief fund to the widow, child or children or dependent parent or parents of any deceased officer or member of the uniformed force of the said fire department, if the death of such officer or member occur during his service in the said uniformed force, or after he was retired from service in the said uniformed force; provided, that the amount of any such pension to be paid by the said trustee to each of the several representatives of such officer or member as aforesaid, in case there shall be more than one, may be, from time to time, determined by the said trustee according to the circumstances of each case, and that such pension may be ordered to cease and terminate at any time if, in the opinion of the trustee, the circumstances should warrant the same; and further provided, that not more than three hundred dollars shall be paid in any one year to the representative or representatives of such officer or member, and that no part of such sum shall be paid to any such widow who shall marry again, after her remarriage, or to any child after it shall have reached the age of eighteen years. In case any officer or regular or prohationary member of the uniformed force of said department was heretofore or is hereafter killed while actually engaged in the performance of duty, or if death ensues, or has heretofore ensued, or resulted in a disease which caused death, as the immediate effect of injuries received, the trustee of said relief fund shall have the power to award to the widow of such officer or member an annual allowance as a pension to be paid out of the said relief fund, in an amount not to exceed, except as herein provided, one-half of the salary or compensation of such officer or member at the date of his decease, and in the case of a probationary member, in an amount not to exceed one-half the salary or compensation of a fourth grade member. If in the case of any officer or any regular or probationary member, of the uniformed force of said department, heretofore or hereafter killed while actually engaged in the performance of duty, one-half of the salary or compensation of such officer or member at the date of his decease does not equal six hundred dollars, the trustee of such relief fund shall have the power to award to the widow of such officer or member an annual allowance as a pension, to be paid out of such relief fund, in an amount not to exceed six hundred dollars. If such officer or member dying leaves no widow surviving him, but leaves a child or children, under the age of eighteen years, or dependent parent or parents, the said trustee shall have the power to award to the legal guardian of such child or children, or dependent parent or parents, for its or their support and maintenance, an annual allowance out of said relief fund, in an amount not to exceed one-

half of the salary or allowance of such officer or member at the date of the decease. The amount of such annual allowance to any widow shall not exceed the sum of one thousand dollars, and shall cease upon her death or remarriage, or if she shall have been guilty of conduct which, in the opinion of said trustee, renders further payment inexpedient. The amount of such annual allowance to any one such child, or dependent parent or parents, shall not exceed the sum of five hundred dollars, and in every case such payment shall cease upon the death or marriage of such child, or upon its reaching the age of eighteen years. If such payment to the widow of any such officer or member shall cease by reason of her death, remarriage or misconduct, the said trustee shall have power to make payments to the child or children or dependent parent or parents of such officer or member, if any, as though he had died without leaving a widow surviving him. The widows and orphans and retired members of the Brooklyn fire department, or of any other fire department of any of the municipal and public corporations or parts thereof hereby consolidated, shall be entitled to receive from the fire department pension fund herein created the amounts which they would respectively have been legally entitled to receive on the thirty-first day of December, eighteen hundred and ninety-seven, from any fire department pension or relief fund heretofore existing in any of said municipal corporations or parts thereof.—As amended by Laws 1908, Chapter 354.

Life insurance fund.

Sec. 792. The life insurance fund shall consist of all moneys that are now to the credit of the New York fire department life insurance fund, and the Brooklyn fire department widows' and orphans' relief fund; and all persons who have paid into the said respective funds, and who shall continue to pay into the life insurance fund, shall receive the benefits of said fund as provided in this chapter. There shall be deducted from the monthly pay of each officer and probationary fireman of said department, and from the monthly pension of retired members of said department, and from the pay of such other employees of said department as shall heretofore have availed thmeselves of this provision until, as hereinafter provided, the amount of said fund shall equal the sum of twenty-five thousand dollars, the monthly sum of one dollar, which shall be received and deposited by the treasurer of the relief fund to the credit of the New York fire department life insurance fund, in a bank or trust company to be selected by him and to continue to receive and deposit the funds applicable to the same to the credit of said fund. The said treasurer shall make a semi-annual report verified by him of the condition of said fund containing a statement of all receipts and disbursements for or on account of said fund, together with names of all beneficiaries and the amount paid to each, and file said report in the office of the comptroller. When the amount of such fund shall equal the sum of twenty-five thousand dollars, assessment shall only be made to maintain said fund at the said sum of twenty-five thousand dollars. In case of the death of any member or employee of said department in the service thereof, who has availed himself of this provision, or of any pensioned or retired member of said department, and so contributing, there shall be paid to the widow, or, if there be no widow, then to the legal representatives of such deceased member, or employee, or pensioned and retired member, the sum of one thousand dollars out of the moneys so assessed; and in case, by reason of the number of deaths, the aggregate amount of money so provided to be assessed and collected should prove inadequate to make such payment, then the assessment may, in the discretion of said trustee, be increased to not exceeding the sum of two dollars in each month's pay or each month's pension of pensioned and retired members of said department. None but members of the uniformed force and probationary firemen shall hereafter be eligible to membership in this fund. If, in any year, owing to an excessive mortality in the uniformed force, the condition of said life insurance fund shall render it, in the judgment of the said trustee, necessary, a sum not exceeding five thousand dollars may be transferred and paid over from the said relief fund to the said life insurance fund for the use and purpose of said life insurance fund. —As amended by Laws 1908, Chapter 355.

TITLE 6.

[As amended and added (Sections 798 to 815-b, inclusive) by Chap. 594, Laws of 1915].

TAX UPON FOREIGN INSURANCE COMPANIES AND THEIR AGENTS.

Sec. 798. Corporations liable to taxation.
Sec. 799. Moneys paid to department by insurance companies, et cetera.
Sec. 800. Report of premiums by agents.
Sec. 801. Undertaking.
Sec. 802. Undertaking; renewal of.
Sec. 803. Undertaking; penalty for not executing.
Sec. 804. Demand for reports.
Sec. 805. Place of business to be recorded.
Sec. 806. Suits for violations.
Sec. 807. Arrest of defendant.
Sec. 808. Distribution of tax on policies covering property in the borough of Manhattan.
Sec. 809. Distribution of tax on policies covering property in the borough of Brooklyn.
Sec. 809-a. Trustees of the Benevolent Fund of the late city of Brooklyn; how formed.
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Sec. 810. Distribution of tax on policies covering property in the borough of Richmond.
Sec. 810-a. Trustees of the Benevolent Fund of the borough of Richmond; how formed.
Sec. 811. Distribution of tax on policies covering property in the borough of Queens.
Sec. 811-a. Trustees of the Benevolent Fund of the borough of Queens; how formed.
Sec. 812. Distribution of tax on policies covering property in the borough of The Bronx.
Sec. 812-a. Trustees of the Benevolent Fund of the borough of The Bronx; how formed.
Sec. 813. Fire commissioner to report.
Sec. 814. Trustees of Benevolent Fund to report.
Sec. 815. Powers of fire commissioner with respect to funds.
Sec. 815-a. Miscellaneous.
Sec. 815-b. Trustees or officers of benevolent funds; removal of.

Corporations Liable to Taxation.

Sec. 798. Any corporation or association created by or organized under the laws of any government other than the States of this Union, and having assets, funds, or capital, not less in amount than one hundred and fifty thousand dollars, invested in this state, shall be liable to taxation upon such assets, funds or invested capital as the same is levied or assessed yearly by law, which tax shall be paid as follows: Such an amount thereof as would be equal to two per centum upon its gross premiums received for insurance upon property, in the city of New York shall, except as otherwise in this title provided, be paid annually to the fire commissioner as treasurer of the fire department, and the residue of said tax requisite to make up the full amount of taxation upon its capital shall be paid to the city of New York, as in the case of ordinary taxation; and the payments so made as aforesaid shall exempt such corporation or association making the same from any and all further taxation upon its premiums, capital or assets; and whenever such capital shall be reduced below said sum of one hundred and fifty thousand dollars, or withdrawn entirely, then, and in either event, such corporation or association shall be liable to pay the tax upon its premiums as heretofore provided in this title.

Moneys Paid to Department by Insurance Companies Et Cetera.

Sec. 799. There shall be paid to the fire commissioner as treasurer of the fire department, for the use and benefit of said fire department, on the first day of February, in each year, by every person who shall act as agent for or on behalf of any individual or association of individuals, not incorporated by the laws of this state, to effect insurance against losses or injury by fire in the city of New York, although such individuals or association may be incorporated for that purpose by any other state or country, the sum of two dollars upon the hundred dollars, and at that rate upon the amount of all premiums which, during the year ending on the next preceding thirty-first day of December, shall have been received by such agent or person, or received by any other person for him, or shall have been agreed to be paid for any insurance against loss or injury by fire in the city effected, or agreed to be effected, or promised by him as such agent.

Report of Premiums by Agents.

Sec. 800. Every person who shall act as agent as aforesaid shall, on the first day of February, in each year, render to the fire commissioner as treasurer of the fire department a just and true report, verified by his oath, of all such premiums which, during the year ending on the thirty-first day of December preceding, shall have been received by him, or by any person for him, or which shall have been agreed to be paid for any such insurance effected, or agreed to be effected, or promised by him. The reports to be made under this section in nineteen hundred and sixteen shall also include all business done by such agent from the first day of September, nineteen hundred and fourteen, to the thirty-first day of December, nineteen hundred and fifteen. The fire commissioner shall prescribe the form and furnish on demand the necessary blanks to enable such agents to make such reports. He shall have power by himself or his designated representative to examine any such agent under oath and to require the production by such agent of all books and papers as he may deem necessary. All expense of collecting such tax shall be paid by said commissioner from the funds received under this title prior to the distribution thereof hereinafter authorized.

Undertaking.

Sec. 801. No person shall, as agent or otherwise, effect, or agree to effect, or procure to be effected, any insurance upon which the tax above mentioned is required to be paid, until he shall have executed and delivered to the said fire commissioner, an undertaking, under seal, to the fire commissioner, with such sureties as the said

commissioner shall approve that he will, on the first day of February, in each year, render a just and true report, verified by his oath, of all such premiums, which, during the year ending on the thirty-first day of December preceding, shall have been received by him, or by any person for him, or which shall have been agreed to be paid for any such insurance effected, or agreed to be effected, or promised by him, and that he will, on the first day of February in each year, pay to the said fire commissioner two dollars upon every hundred dollars, and at that rate upon the amount of such premiums.

Undertaking; Renewal of.

Sec. 802. Whenever, by reason of the failure of the sureties or either of them, or for any other cause, an undertaking given under the last preceeding section shall have or may be deemed insufficient by the said fire commissioner to secure a return of the report and the payment of the tax aforesaid, or either of them, the said commissioner, at his election, but not oftener than once in each year, may require such undertaking to be renewed.

Undertaking; Penalty for Not Executing.

Sec. 803. Every person who shall effect, agree to effect, promise or procure any insurance mentioned in the preceding sections of this title, without having executed and delivered the undertaking hereinbefore required, shall, for each offense, forfeit one thousand dollars, for the use of the said fire department; and every person who shall have been required by the fire commissioner to renew his undertaking, pursuant to the last preceding section, who shall effect, agree to effect, promise or procure any such insurance, without having executed and delivered the renewed undertaking, shall for each offense forfeit one thousand dollars, for the use of the said fire department.

Demand for Reports.

Sec. 804. It shall be lawful for the fire commissioner on or after the first day of January in each year, by written or printed notice, to require from every person who shall act as agent, as aforesaid, the report provided for in this title, and payment of the tax provided for; such notice may be delivered personally to such agent, or at his office or place of business to any person having charge thereof, and any person upon whom such notice is served as herein provided, who shall neglect to render the report or to pay the tax demanded, or either of them, on or before the first day of February or within ten days after the service of such notice, shall forfeit fifty dollars, for the use of the said fire department; and he shall also forfeit for their use twenty-five dollars in addition for every day that he shall so neglect, after the expiration of said ten days, and such additional penalty may be computed and recovered up to the time of any suit for the recovery thereof.

Place of Business to Be Reported.

Sec. 805. Every person who shall act as agent, as aforesaid, shall, on the first day of February in each year, and as often in each year as he shall change his place of business report in writing, under his proper signature, to the fire commissioner as treasurer of the said fire department, the street and the number thereof in the said city, or elsewhere, of his place of business as such agent, designating in such report the individual or individuals and association or associations for which he shall be such agent. And in case of default in any of these particulars, such person shall forfeit for every offense the sum of one thousand dollars, for the use of the said fire department. Every insurance company referred to in this title shall, on demand of the fire commissioner, furnish to him the names and addresses of all persons authorized by it to write insurance against loss or injury by fire on property situate in such city.

Suits for Violations.

Sec. 806. The tax provided to be paid by this title, the damages for any breach of the undertakings, or either of them, provided for therein, and the pecuniary penalties imposed therein, or any or either of them, may be sued for and recovered, with costs of suit, in any court of record within this state, by the fire commissioner, for the use of said department.

Arrest of Defendant.

Sec. 807. The defendant in any action to be brought for the recovery of any penalty incurred, or any tax or sum of money payable under this title, may be arrested, if he is not a resident of this state, or is about to remove therefrom. An order for the arrest of the defendant must be obtained from a judge of the court in which the action is brought, or from a county judge. The order shall be made when it shall appear to the judge, by affidavit, that a sufficient cause of action exists under this title, and that the defendant is not a resident of this state, or is about to remove therefrom.

Distribution of Tax on Policies Covering Property in the Borough of Manhattan.

Sec. 808. The moneys received by the fire commissioner under the provisions of this title as tax on policies covering property in the borough of Manhattan shall be quarterly paid and disbursed by said fire commissioner as follows:

First. To the Firemen's Association of the State of New York for the endowment, benefit and maintenance of the Volunteer Firemen's Home at Hudson, New York, ten per centum.

Second. To the trustees of the Exempt Firemen's Benevolent Fund of the City of New York, as follows:

(a) Forty-five per centum thereof until the seventeenth day of January, nineteen hundred and twenty-two. After that date:

(b) Forty per centum thereof until the seventeenth day of January, nineteen hundred and twenty-seven. After that date:

(c) Thirty per centum thereof until the seventeenth day of January, nineteen hundred and thirty-two.

The same to be expended by said trustees as authorized by the charter of said Benevolent Fund and the several acts amendatory thereof and supplemental thereto.

Third. To the New York Fire Department relief fund, as follows:

(a) Forty-five per centum thereof until the seventeenth day of January, nineteen hundred and twenty-two. After that date:

(b) Fifty per centum thereof until the seventeenth day of January, nineteen hundred and twenty-seven. After that date:

(c) Sixty per centum thereof until the seventeenth day of January, nineteen hundred and thirty-two.

Distribution of Tax on Policies Covering Property in the Borough of Brooklyn.

Sec. 809. The moneys received by the fire commissioner under the provisions of this title as a tax on policies covering property in the borough of Brooklyn shall be quarterly paid and disbursed by said fire commissioner as follows:

First. To the Firemen's Association of the State of New York for the endowment, benefit and maintenance of the volunteer firemen's home at Hudson, New York, ten per centum.

Second. To the New York fire department relief fund, forty-five per centum until the seventeenth day of January, nineteen hundred and thirty-two.

Third. To the trustees of the exempt firemen's benevolent fund of the late city of Brooklyn, as follows:

(a) Twenty-eight per centum thereof until the seventeenth day of January, nineteen hundred and twenty-two. After that date:

(b) Twenty-three per centum thereof until the seventeenth day of January, nineteen hundred and thirty-two.

The same to be expended by said trustees only as provided in section eight hundred and nine-a hereof and the other provisions of this title.

Fourth. To the trustees of the exempt firemen's benevolent fund of the county of Kings, as follows:

(a) Seventeen per centum thereof until the seventeenth day of January, nineteen hundred and twenty-two. After that date:

(b) Twenty-two per centum thereof until the seventeenth day of January, nineten* hundred and thirty-two.

The same to be expended by said trustees only as provided in section eight hundred and nine-b hereof and the other provisions of this title.

Trustees of the Benevolent Fund of the Late City of Brooklyn; How Formed.

Sec. 809-a. The trustees of the exempt volunteer firemen's benevolent fund of the late city of Brooklyn, shall consist of nine trustees, three to be elected by each of the exempt volunteer firemen's associations in said former city of Brooklyn, to wit: The widows and orphans' fund of the late volunteer fire department of the western district of the late city of Brooklyn; the widows and orphans' fund of the late volunteer fire department of the eastern district of the late city of Brooklyn, and The Volunteer Firemen's Exempt Association of Brooklyn, western district, incorporated. Within ninety days after this title takes effect, each of said associations shall elect three of such trustees, one to serve for one year from the first day of September, nineteen hundred and fifteen, one to serve for two years from said date and one to serve for three years from said date, and thereafter each of said associations shall elect one of said trustees to serve for three years from the first day of September following his election. On the first Tuesday in October of each year, the trustees of said benevolent fund hereby created shall elect from their members a president, vice-president, secretary and treasurer. Such treasurer shall file with the fire commissioner, within ten days after his election, a bond in such sum not less than ten thousand dollars, as shall be determined by said trustees, and with sureties also approved by them and the fire commissioner, conditioned for the faithful performance of his duty as such treasurer and the due account-ing by him for all moneys which shall be received by him as such treasurer. All funds received by said trustees under the provisions of this title shall be expended by them for the relief of all indigent or disabled volunteer firemen, their widows and orphans, who served in a duly organized volunteer fire company five years as such in the territory known as the city of Brooklyn exclusive of the towns mentioned

*So in original

in section eight hundred and nine-b of this title, and were honorably discharged from their company or from said fire department after such five years of service or who were members of a duly organized volunteer fire company within such territory disbanded by the installation of a paid fire department, for at least one year prior to such disbandment. Every such volunteer fireman, his widow and children, shall be entitled to equal benefits of said fund without regard to whether or not he is a member of any of the associations electing said trustees.

Trustees of the Exempt Firemen's Benevolent Fund of the County of Kings; How Formed.

Sec. 809-b. The trustees of the exempt firemen's benevolent fund of the county of Kings shall consist of ten trustees, two to be elected by each of the five exempt volunteer firemen's associations now in said county, outside of the late city of Brooklyn, to wit: The Exempt Firemen's Association of the former town of New Lots; the Flatlands Volunteer Firemen's Association of the former town of Flatlands; the Gravesend Exempt Volunteer Firemen's Association of the former town of Gravesend; the New Utrecht Exempt Firemen's Association of the former town of New Utrecht; and the Flatbush Volunteer Firemen's Association of the former town of Flatbush. Within ninety days after this title takes effect, each of said associations shall elect two of such trustees, one to serve for one year from the first day of September, nineteen hundred and fifteen, and one to serve for two years from said date, and thereafter each of said associations shall elect one of such trustees to serve for two years from the first day of September following his election. On the first Tuesday in October of each year, the trustees of said benevolent fund shall elect from their members a president, vice-president, secretary and treasurer. Such treasurer shall file with the fire commissioner within ten days after his election, a bond in such sum not less than five thousand dollars as shall be determined by said trustees, and with sureties also approved by them and the fire commissioner, conditioned for the faithful performance of his duty as such treasurer and the due accounting by him for all moneys which shall be received by him as such treasurer. All funds received by such trustees under this title shall be expended by them in the relief of all indigent or disabled volunteer firemen, their widows and orphans, who served in a duly organized volunteer fire company five years as such in the territory of the former towns ennumerated herein, and who were discharged after such five years of service or who were members of a duly organized volunteer fire company within said territory disbanded by the installation of a paid fire department for at least one year prior to such disbandment. Every such volunteer fireman, his widow and children, shall be entitled to equal benefits of such fund without regard to whether or not he is a member of any of the associations electing such trustees.

Distribution of Tax on Policies Covering Property in the Borough of Richmond.

Sec. 810. The moneys received by the fire commissioner under the provisions of this title as tax on policies covering property in the borough of Richmond shall be quarterly paid and disbursed by said fire commissioner as follows:

First. To the Firemen's Association of the State of New York for the endowment, benefit and maintenance of the volunteer firemen's home at Hudson, New York, ten per centum.

Second. To the trustees of the Exempt Firemen's Benevolent Fund of the Borough of Richmond, as follows:

(a) Forty-five per centum thereof until the seventeenth day of January, nineteen hundred and twenty-two. After that date:

(b) Fifty per centum thereof until the seventeenth day of January, nineteen hundred and twenty-seven. After that date:

(c) Fifty-five per centum thereof until the seventeenth day of January, nineteen hundred and thirty-two.

The same to be expended by said trustees only as provided in section eight hundred and ten-a hereof and the other provisions of this title.

Third. To the New York fire department relief fund as follows:

(a) Forty-five per centum thereof until the seventeenth day of January, nineteen hundred and twenty-two. After that date:

(b) Forty per centum thereof until the seventeenth day of January, nineteen hundred and twenty-seven. After that date:

(c) Thirty-five per centum thereof until the seventeenth day of January, nineteen hundred and thirty-two.

Trustees of the Benevolent Fund of the Borough of Richmond; How Formed.

Sec. 810-a The trustees of the Exempt Firemen's Benevolent Fund of the Borough of Richmond shall consist of eight trustees, two to be elected by each of the four exempt volunteer firemen's associations now in said borough, to wit: The Veteran Firemen's Association of the North Shore Fire Department of Staten Island; the Veteran and Exempt Volunteer Firemen's Association of the Edgewater Fire Department of Staten Island; the Veteran Volunteer Firemen's Association of Tottenville Fire Department, and the South Shore Veteran and Exempt Volunteer Firemen's Association. Within ninety days after this title takes effect, each of said associations shall elect two of such trustees, one to serve for one year from the first day of September, nineteen hundred and fifteen, and one to serve for two years from said date, and thereafter each of said associations shall elect one of such trustees to serve for two years from the first day of September following his election. On the first Tuesday of October of each year, the trustees of said Benevolent Fund shall meet and elect from their members a president, vice-president, secretary and treasurer. Such treasurer shall file with the fire commissioner within ten days after his election, a bond in such sum not less than two thousand dollars as shall be determined by said trustees, and with sureties also approved by them and the fire commissioner, conditioned for the faithful performance of his duty as such treasurer and the due accounting by him for all moneys which shall be received by him as such treasurer. All funds received by such trustees under this title shall be expended by them in the relief of all indigent or disabled volunteer firemen, their widows and orphans, who served in a duly organized volunteer fire company five years as such in the territory now included in the borough of Richmond and who were honorably discharged after such five years of service or who were members of a duly organized volunteer fire company within such territory disbanded by the installation of a paid fire department, for at least one year prior to such disbandment. Every such volunteer fireman, his widow and children, shall be entitled to the equal benefit of such fund without regard to whether or not he is a member of any of the associations electing such trustees or whether his service as such volunteer fireman was before or after this title takes effect.

Distribution of Tax on Policies Covering Property in the Borough of Queens.

Sec. 811. The moneys received by the fire commissioner under the provisions of this title as a tax on policies covering property in the borough of Queens shall be quarterly paid and disbursed by said fire commissioner as follows:

First. To the Firemen's Association of the State of New York for the endowment, benefit and maintenance of the volunteer firemen's home at Hudson, New York, ten per centum.

Second. To the trustees of the Exempt Firemen's Benevolent Fund of the borough of Queens, as follows:

(a) Forty-five per centum thereof until the seventeenth day of January, nineteen hundred and twenty-two. After that date:

(b) Fifty per centum thereof until the seventeenth day of January, nineteen hundred and twenty-seven. After that date:

(c) Fifty-five per centum thereof until the seventeenth day of January, nineteen hundred and thirty-two.

The same to be expended by said trustees only as provided in section eight hundred and eleven-a hereof and the other provisions of this title.

Third. To the New York Fire Department Relief Fund as follows:

(a) Forty-five per centum thereof until the seventeenth day of January, nineteen hundred and twenty-two. After that date:

(b) Forty per centum thereof until the seventeenth day of January, nineteen hundred and twenty-seven. After that date:

(c) Thirty-five per centum thereof until the seventeenth day of January, nineteen hundred and thirty-two.

Trustees of the Benevolent Fund of the Borough of Queens; How Formed.

Sec. 811-a. The trustees of the exempt volunteer firemen's benevolent fund of the borough of Queens shall consist of twenty-four trustees, three to be elected by each of the eight exempt volunteer firemen's associations now in said borough, to wit: The Exempt Firemen's Association of the Town of Newtown; the Exempt Firemen's Association, Fifth ward, borough of Queens; the Veteran Volunteer Firemen's Association of the Village of Jamaica; the Woodhaven Exempt Volunteer Firemen's Association; the Exempt Firemen's Association of Flushing; the Veteran Firemen's Association of Long Island City; the Exempt Firemen's Benevolent Association of College Point. Within ninety days after this title takes effect, each of said associations shall elect three of such trustees, one to serve for one year from the first day of September, nineteen hundred and fifteen, and one to serve for two years and one for three years from said date and thereafter each of said associations shall elect one of said trustees to serve for three years from the first day of September following his election. On the first Tuesday of October of each year, the trustees of said benevolent fund shall meet and elect from their members a president, vice-president, secretary and treasurer. Such treasurer shall file with the fire commissioner within ten days after his election, a bond in such sum, not less than three thousand dollars, as shall be determined by said trustees, and with sureties also approved by them and by the fire commissioner, conditioned for the faithful performance of his duty as such treasurer and the due accounting

by him for all moneys which shall be received by him as such treasurer. All funds received by such trustees under this title shall be expended by them for the relief of all indigent or disabled volunteer firemen, their widows and orphans, who served in a duly organized volunteer fire company five years as such in the territory now included in the borough of Queens and who were honorably discharged after such five years of service, or who were members of a duly organized volunteer fire company within such territory disbanded by the installation of a paid fire department, for at least one year prior to such disbandment. Every such volunteer fireman, his widow and children, shall be entitled to the equal benefit of such fund without regard to whether or not he is a member of any of the associations electing such trustees or whether his service as such volunteer fireman was before or after this title takes effect.

Distribution of Tax on Policies Covering Property in the Borough of the Bronx.

Sec. 812. The moneys received by the fire commissioner under the provisions of this title as a tax on policies covering property in the borough of the Bronx shall be quarterly paid and disbursed by said fire commissioner as follows:

First. To the Firemen's Association of the State of New York for the encowment, benefit and maintenance of the volunteer firemen's home at Hudson, New York, ten per centum.

Second. To the trustees of the exempt firemen's benevolent fund of the borough of the Bronx, as follows:

(a) Forty-five per centum thereof until the seventeenth day of January, nineteen hundred and twenty-two. After that date:

(b) Fifty per centum thereof until the seventeenth day of January, nineteen hundred and twenty-seven. After that date:

(c) Fifty-five per centum thereof until the seventeenth day of January, nineteen hundred and thirty-two.

The same to be expended by said trustees only as provided in section eight hundred and twelve-a hereof, and the other provisions of this title.

Third. To the New York fire department relief fund as follows:

(a) Forty-five per centum thereof until the seventeenth day of January, nineteen hundred and twenty-two. After that date:

(b) Forty per centum thereof until the seventeenth day of January, nineteen hundred and twenty-seven. After that date:

(c) Thirty-five per centum thereof until the seventeenth day of January, nineteen hundred and thirty-two.

Trustees of the Benevolent Fund of the Borough of the Bronx; How Formed.

Sec. 812-a. The trustees of the exempt volunteer firemen's benevolent fund of the borough of the Bronx shall consist of six trustees, three to be elected by each of the two exempt volunteer firemen's associations now in said territory, to wit: The Exempt Volunteer Firemen's Benevolent Fund Association of the Twenty-third and Twenty-fourth wards of the city of New York and the Westchester Exempt Firemen's Association of the City of New York. Within ninety days after this section takes effect, each of said associations shall elect three of such trustees, one to serve for one year from the first day of September, nineteen hundred and fifteen, one to serve for two years from said date and one to serve for three years from said date, and thereafter each of said associations shall elect one of said trustees to serve for three years from the first day of September following his election. On the first Tuesday in October of each year, the trustees of said benevolent fund hereby created shall elect from their members a president, vice-president, secretary and treasurer. Such treasurer shall file with the fire commissioner within ten days after his election, a bond in such sum not less than three thousand dollars as shall be determined by such trustees, and with sureties approved by them and by the fire commissioner, conditioned for the faithful performance of his duty as such treasurer and the due accounting by him for all moneys which shall be received by him as such treasurer. All funds received by said trustees under the provisions of this title shall be expended by them for the relief of all indigent or disabled volunteer firemen, their widows and orphans, who served in a duly organized volunteer fire company five years as such in the territory now included in the borough of the Bronx, and were honorably discharged after such five years of service, or who were members of a duly organized volunteer fire company within such territory disbanded by the installation of a paid department, for at least one year prior to such disbandment. Every such volunteer fireman, his widow and children, shall be entitled to equal benefits of said fund without regard to whether or not he is a member of any of the associations electing said trustees, or whether his service as such volunteer fireman was before or after this title takes effect.

Fire Commissioner to Report.

Sec. 813. The fire commissioner shall quarterly in each year render to the Firemen's Association of the State of New York and each of the benevolent funds enumerated in this title, a duly verified statement of the amount collected and received by him under this title during such quarter and the amount due to them.

Trustees of Benevolent Fund to Report.

Sec. 814. The trustees of each of the benevolent funds enumerated in this title shall in the month of January of each year, make and file with the fire commissioner an annual report, duly verified by the president or vice-president and the treasurer, of the amount of money received and from whom and what source and to whom and for what purpose paid, the residence and as near as possible the age of each recipient of any of said funds, and the amount thereof, and of the amount of money on hand and how invested. Upon failure of the trustees of any of said benevolent funds to make and file such report, the fire commissioner may withhold the sums due to such benevolent funds omitting to file a report until such report is filed.

Powers of Fire Commissioner with Respect to Funds.

Sec. 815. The fire commissioner shall have power and authority at any time to examine the conduct and affairs of any of said benevolent funds and the method and manner of disbursing their funds.

Miscellaneous.

Sec. 815-a. The trustees of the several benevolent funds enumerated in this title shall possess the following powers, duties and obligations:

(a) No person serving as trustee or officer of any description, under election or appointment, from the trustees of any of said benevolent funds, shall receive directly or indirectly, any compensation for services rendered by him, but may be reimbursed for necessary expenses which have been first duly authorized by the trustees.

(b) They shall make such by-laws as they deem proper regulating their duties, conduct and proceedings at meeting and adopt forms of applications to be signed by all persons to whom relief of any kind is given. Such by-laws, forms of application and method of making payments shall conform substantially to the by-laws, forms, applications and methods of payment in use in the borough of Manhattan by the trustees of the Exempt Firemen's Benevolent Fund of the city of New York.

(c) No trustee, officer or agent of any of such benevolent funds shall grant or give to any beneficiary or other person any greater sum than shall have been determined by a vote of a majority of said trustees after due investigations of the circumstances of each case, and all payments of pensions or donations shall be made by the treasurer upon such order of the trustees, and for all such payments the treasurer shall take receipts from the beneficiaries receiving the same, which receipts shall be filed with his report to said trustees.

(d) All funds in possession of any of said benevolent funds not needed for immediate disbursement, shall be invested only in such securities as savings banks in the state of New York are authorized to invest their funds.

(e) Any use of any of said funds by either of said benevolent funds or the trustees thereof, for purposes other than herein expressly authorized, shall be a misdemeanor and punishable as such.

Trustees or Officers of Benevolent Funds; Removal of.

Sec. 815-b. Any of the trustees or any officer elected by them may be removed at any time by a justice of the supreme court in the judicial district of his residence, for failure to properly perform his duties as defined by this title, upon the petition of the fire commissioner of the city of New York, any of the associations interested in the fund administered by such officer or trustee, or any volunteer fireman residing in the territory in which such trustee is acting. For that purpose, a verified petition setting forth the facts claimed shall be presented to such justice. A copy of such petition and notice of the time and place when the same will be presented to such justice shall be served on the party accused at least ten days prior to such presentation. Upon removal of any such officer, his successor shall be elected by the remaining trustees, if any, but if any trustee shall be thus removed, his successor shall be elected by the association which elected the trustee removed. Any person thus removed shall not thereafter be eligible to serve in the position from which he shall have been removed.

CHAPTER XVI.

DOCKS, PIERS, HARBOR, PORT AND WATERS.

Title 1. Department of docks and ferries.
Title 2. Piers, slips and wharfage.
Title 3. General provisions.

TITLE 1.

DEPARTMENT OF DOCKS AND FERRIES.

Commissioner of docks, deputy commissioner, appointment and salary.

Sec. 816. The head of the department of docks and ferries shall be called the commissioner of docks. He shall be a resident of the city of New York, and

shall be appointed by the mayor. The said commissioner shall have the power to appoint and at pleasure remove two deputies, to be known as first deputy and second deputy. The salary of the said commissioner and said deputies shall be fixed by the board of estimate and apportionment of the city of New York. Pending action by the said board, the salary of said first deputy shall be four thousand five hundred dollars a year, payable monthly. In the absence or inability to act of the commissioner, said first deputy shall possess all the powers and perform all the duties of the commissioner. In the absence or inability to act of the commissioner and the first deputy, the said second deputy shall possess all the powers and perform all the duties of the commissioner. The commissioner shall define the duties of the deputy commissioners and may delegate to either of them any of his powers.—As amended by Laws of 1911, Chapter 301.

Sec. 816-a. Repealed by Laws of 1902, Chapter 609.

Extension of jurisdiction to new territory.

Section 817. All the powers and duties heretofore vested in and devolved upon the department of docks of the mayor, aldermen and commonalty of The City of New York are devolved upon and vested in the department of docks and ferries hereby created and in addition thereto the powers and duties of said department are hereby extended so as to include all the water front, wharf property, lands under water, wharves, piers, bulkheads and structures thereon, situate within the County of Kings, the County of Richmond and the County of Queens; and the said commissioner of docks shall have power by and with the approval of the commissioners of the sinking fund, to adopt and execute a plan or plans for the water front of The City of New York, as constituted by this act, and to fix and establish the line of solid filling, bulkheads and pier head lines, the distance between piers, method and character of construction of wharves and piers within the entire territory of The City of New York, as constituted by this act.—As amended by Laws of 1904, Chapter 741.

Jurisdiction, powers and duties.

Sec. 818. The commissioner of docks shall have exclusive charge and control subject in the particulars thereinafter mentioned to the commissioners of the sinking fund, of the wharf property belonging to the corporation of The City of New York as constituted by this act, including all the wharves, piers, bulkheads and structures thereon, and water adjacent thereto, and all the slips, basins, docks, water fronts, lands under water and structures thereon and the appurtenances, easements, uses, reversions and rights belonging thereto which are now owned or possessed by the said corporation, or to which said corporation is, or may become entitled, or which said corporation may acquire under the provisions hereof, or otherwise, and said commissioner shall have exclusive charge and control of the repairing, building, rebuilding, maintaining, altering, strengthening, leasing and protecting said property and every part thereof, and of all the cleaning, dredging and deepening necessary in and about the same. Said commissioner is also hereby invested, except as expressly otherwise stated in this act, with the exclusive government and regulation of all wharf property, wharves, piers, bulkheads and structures thereon, and waters adjacent thereto, and all the basins, slips and docks, with the land under water in said city not owned by the said corporation. The commissioner of docks shall not have power to change the exterior line of piers and bulkheads, established by law, except by the adoption of a plan or plans for the improvement of the water front of The City of New York as herein constituted, by and with the approval of the commissioners of the sinking fund. The commissioner of docks shall also have exclusive charge and control, subject in the particulars hereinafter mentioned to the commissioners of the sinking fund, of all ferries and ferry property belonging to the corporation of The City of New York, as hereby constituted. The said commissioner is hereby empowered, when the approval of the commissioners of the sinking fund shall have been obtained, to establish from time to time new ferries, the franchises of which may be leased in the manner now provided by law.—As amended by Laws 1904, Chapter 741.

Fixing, determining upon and establishing the line of high water.

Sec. 818-a. The commissioner of docks is hereby authorized to fix, determine upon and establish by agreement with the upland owner the line of high water in front of the property of such upland owner upon a straight line or straight lines.

Such agreement together with a map showing the line so fixed, determine upon and established shall be transmitted to the commissioners of the sinking fund for their approval, and upon such approval being given, evidenced by a certificate made upon such map, such line shall become finally fixed, determined upon and established.—Added by Laws of 1911, Chapter 694.

Plans for water fronts.

Sec. 819. The plan or plans for the whole or any part of the water front of The City of New York, as constituted by this act, including the water front on the westerly side of the Harlem river from the easterly line of the Third avenue where said line strikes said river along the water front from said line to the northerly side of Eighty-sixth street on the East river determined upon by the department of docks, of The City of New York, as heretofore known and bounded, adopted and certified to by the commissioners of the sinking fund, and filed in the office of said department of docks, in accordance with the provision of the third sub-division of section ninety-nine of chapter one hundred and thirty-seven of the laws of eighteen hundred and seventy as amended by section six of chapter five hundred and seventy-four of the laws of eighteen hundred and seventy-one and such plan or plans as may be determined upon pursuant to section eight hundred and seventeen of this act, adopted and certified to by the commissioners of the sinking fund and filed, or that may be filed in the office of said commissioner of docks shall be and continue to be the sole plan or plans, according to which any wharf, pier, bulkhead, basin, dock, slip or any wharf structure or superstructure shall be laid out or constructed within the territory or district embraced, or that may hereafter be embraced in and specified upon said plan or plans, and shall be the sole plan or plans and authority for solid filling in the waters surrounding The City of New York, and on said Harlem river, and for extending piers into said waters and erecting bulkheads around said city, and on the westerly side of the Harlem river, and all other provisions of law regulating solid filling and pier and bulkhead lines in said waters, are to be deemed to be repealed whenever said plan or plans is or are inconsistent with such provisions of law and all laws giving any power or authority as to said water front in the territory embraced in this section, to any other department of The City of New York, as heretofore known and bounded, or to any department of any municipal or public corporation which, or part of which, is consolidated by this act with the mayor, aldermen and commonalty of The City of New York, are hereby repealed. No wharf, pier, bulkhead, basin, dock, slip, exterior street or any wharf, structure or superstructure shall be laid out, built or rebuilt, within such territory or district except in accordance with such plan or plans, provided that said commissioner of docks, with the consent and approval of the commissioners of the sinking fund, may, from time to time, change the width or location of the piers laid down on said plan or plans; and provided, also, that said commissioner of docks may build, or rebuild, or license, or permit the building or rebuilding, of temporary wharf structures, and said commissioner may lease land covered with water belonging to The City of New York, for the purpose thereof, such lease, or permit to continue and remain at the will and pleasure of said commissioner, or for a time not longer than until the wharves, piers, bulkheads, basins, docks or slips to be built or constructed according to such plan or plans, shall in the judgment of said commissioner, require and need to be built or constructed; and provided, further, that the commissioner of docks, with the consent and approval of the commissioners of the sinking fund, may alter and extend the present pier head line, as now established on the Hudson river, between Battery place and Seventieth street, and establish a new pier head line between these points, and may authorize the construction of new piers out to said pier head line, and may extend those piers already built out to said lines; and may build new piers or extend pier head lines as are now or may hereafter be established by the secretary of war under act of congress. The commissioner of docks is hereby authorized and empowered, with the consent and approval of the commissioners of the sinking fund, after a public hearing shall have been given by said commissioners, of which hearing and its purposes at least seven days' notice shall be published in the City Record, to alter, amend and modify any and all existing plans for the improvement of the water front hereinbefore recited or which may have been determined upon or adopted in pursuance hereof notwithstanding that any or all of such plans may have been wholly or partially physically perfected and improvements made in conformity therewith. And any such alteration, amendment or modification may include the elimination and closing of any marginal wharf, street or place shown on any plan, whether or not such marginal wharf, street or place has been physically constructed, and any such altered, amended or modified plan or any new plan determined upon or adopted in pursuance of the provisions of this section need not provide for or show any such marginal wharf, street or place. Whenever the plan so determined upon and adopted, or hereafter to be determined upon and adopted, shall include the widening of an exterior street or avenue, or the opening and construction of a new exterior street or exterior avenue, or the abandonment or closing of such street or avenue already in existence, the power to widen, open, construct, abandon or close the same shall exclusively reside with the said commissioner of docks, who is hereby authorized to take such steps as may be necessary in that regard, and after the same shall have been so widened or opened, the right to maintain the widened portion of a street or avenue already opened, and such new street or avenue shall also reside with the said commissioner of docks; but the street or avenue so widened to the extent of the part so widened, or such new street or avenue opened under this plan shall not be a public street, but shall be a marginal wharf, and shall be used in that regard in such manner from time

to time as the commissioner of docks shall, by resolution, determine. The commissioner of docks shall have exclusive power to regulate the use of marginal streets so that the land and buildings upon all such marginal streets may be used to the best advantage in connection with the wharves and bulkheads; and the commissioner of docks shall have the power to regulate, by license or by any other suitable means, the transfer of goods and merchandise upon, over or under all such marginal streets; except that the said commissioner of docks shall not, under this section have any power in respect to, or jurisdiction over, the public driveway authorized by and constructed under chapter one hundred and two of the laws of eighteen hundred and ninety-three and acts amendatory thereof. [As amended by Laws of 1913, chap. 327.]

Surveys of water fronts.

Sec. 820. The commissioner of docks is authorized to cause to be made the necessary surveys, soundings and other examinations of the water front of The City of New York, as constituted by this act, where the same has not already been determined, and to ascertain the capacities and requirements of said water front for adaptation to commercial and other uses.

Construction of piers and docks regulated.

Sec. 821. In executing the plan or plans mentioned in section eight hundred and nineteen of this act, the commissioner of docks shall proceed, according to said plan or plans, to lay out, establish, and construct wharves, piers, bulkheads, basins, docks, or slips in the territory or district embraced in such plan or plans, and in and upon or about the property owned by The City of New York, without interfering with the property or rights of any other person except so far as may be necessary to insure the safety and stability of the wharves, piers, bulkheads, basins or slips so to be constructed. And the said commissioner may commence and carry on such construction in sections of said territory or district from time to time so as not to seriously incommode the commerce of said city. The work of said construction under such plan or plans shall, unless ordered to be otherwise performed by the commissioner of docks, be performed as follows: The said commissioner of docks shall prepare full and minute specifications for such work, and advertise for proposals for doing said work under said plan or plans, and according to such specifications; proposals therefor shall be signed by the bidders for the said work and be sent to the said commissioner within the time specified in such advertisement, accompanied by a bond in the form set forth in said specifications, duly executed. The said commissioner of docks shall open said proposals on a day to be specified in such advertisement and shall examine them and, unless the said commissioner shall deem it for the interest of the city to reject all bids, shall award the contract for such work to the lowest responsible bidder complying with such plan or plans and specifications; such contract shall be executed by the said commissioner of docks on behalf of The City of New York, and shall always contain provisions as to the time of commencing and completing said work and for the retention of ten per centum of its contract price, until the completion of said work as security for its performance, and for the forfeiture of said contract for nonperformance of the terms thereof. Said commissioner of docks may, upon the forfeiture of any such contract, proceed to complete the work thereunder without contract or may readvertise for proposals to complete said work and award a new contract therefor in the same manner as provided herein for awarding the original contract; but no bidder under this section shall be entitled to a contract until his bid be approved and accepted by said commissioner of docks. [As amended by Laws of 1913, Chap. 411.]

Work of construction not under new plan; repairs.

Sec. 821-a. The commissioner of docks is hereby authorized to perform all work of construction not provided for in section eight hundred and twenty-one of this act and to make repairs to any and all wharf property, placed under his charge and control by section eight hundred and eighteen of this act, by the force and equipment of the department of docks and ferries; provided that no dredging shall be contracted for and no materials or supplies shall be purchased except as provided in section four hundred and nineteen of this act. [Added by Laws of 1913, Chap. 411.]

Acquisition of wharf property by the city of New York; proceedings to acquire.

Sec. 822. The commissioner of docks, with the approval of the commissioners of the sinking fund, is authorized to acquire in the name and for the benefit of the city of New York any and all wharf property or any rights, terms, easements and privileges pertaining to any wharf property in said city that is not owned by the city or to which it has no right or title; and the said commissioner may acquire the same either by purchase or by process of law, as herein provided. He may agree with the owners of any such property, rights, terms, easements or privileges upon a price for the same and shall certify such agreement to the commissioners of the sinking fund, and if said commissioners approve of such agreement the commissioner of docks shall take from the owners, at such price, the necessary conveyances and covenants for vesting said property, rights, terms, easements or privileges in, and assuring the same to the city of New York forever, and said owners shall be paid such price from the city treasury as provided in this act. If, however, the commissioner of docks shall deem it proper and expedient that the city of New York should acquire possession of such wharf property, rights, terms, easements or privileges by process of law, as herein provided, without having first attempted to agree with the owners thereof for the purchase of such wharf property, rights, terms, easements or privileges, he may, with the approval of the commissioners of the sinking fund, direct the corporation counsel to take legal proceedings to acquire the same for the city. Thereupon, the corporation counsel shall take the same proceedings to acquire such wharf property, rights, terms, easements or privileges as are by law provided for the taking of private property in said city for public streets or places, and the provisions of law relating to the taking of private property for public streets or places in said city are hereby made applicable, as far as may be necessary, in any legal proceeding taken under this section; provided, however, that he shall not institute any such proceeding until its institution shall have been approved by the board of estimate and apportionment upon a statement to be furnished said board of the valuation of the real property to be acquired as assessed for purposes of taxation. On approving the institution of any such proceeding prior to the first day of January, nineteen hundred and seventeen, said board of estimate and apportionment shall determine whether the compensation to be made to the owners of the real property to be acquired shall be ascertained by the supreme court without a jury or by three commissioners of estimate to be appointed by the said court. On and after the first day of January, nineteen hundred and seventeen, such compensation shall be ascertained and determined by the supreme court without a jury. In a proceeding hereafter brought for the acquirement of any such wharf property, rights, terms, easements or privileges, or uplands, or lands under water, it shall not be necessary for the commissioner of docks to make any attempt to agree with the owners of the same upon a price for its acquisition, before commencing the proceedings authorized by this section, and, if the commissioners of the sinking fund shall by resolution so direct, the title to the name shall vest in the city of New York at such time as said resolution shall direct, after the entry of the order granting the application to condemn in any proceedings in which the compensation is to be determined by the supreme court without a jury or after the filing, in the office of the clerk of the county where such proceedings are pending, of the oaths of the commissioners of estimate in proceedings in which the compensation is to be determined by commissioners of estimate to be appointed by the court, as the case may be; and all of the rights, title and interest of any and all of the owners or persons interested in the said wharf property, rights, terms, easements and privileges, lands under water or uplands, shall cease and determine and be extinguished at such time. All the awards made in such proceedings for the value of property acquired or interests extinguished shall draw interest from the time of the vesting of the title in the city of New York.

The commissioner of docks is also empowered to acquire by purchase or by process of law, as provided in this section, the title to such lands under water and uplands, or any rights, terms or easements appertaining thereto, within the city of New York, as he shall deem necessary to be taken for the improvement of the waterfront or for the equipment, maintenance or operation of a ferry, or for the acquirement of terminal facilities therefor or approaches thereto upon the waterfront of the borough of Richmond or upon the waterfront of the borough of Brooklyn. Provided that said commissioner of docks, with the approval of the commissioners of the sinking fund, hereby is empowered to agree, license and permit private owners of any bulkheads, piers or water rights, to make the necessary improvements upon their bulkheads, piers or water rights, so as to conform to the plan already adopted by the department of docks, and approved by the commissioners of the sinking fund of the city of New York, as heretofore known and bounded, or to be hereafter adopted and approved, pursuant to this chapter, during the period which shall intervene prior to the extinguishment of such private ownership by the city of New York, such improvement to be made by such owners under the supervision of or by the commissioner of docks, as may be agreed upon, at the cost and expense of such private owners, in the first instance, and upon such reasonable terms as to reimbursing said private owners for such improvements, and as to wharfage and other riparian rights thereon and therefrom, as may be agreed upon. All agreements, and licenses or permits heretofore made or entered into between the mayor, aldermen and commonalty of the city of New York and any private owners, as to the making of like improvements upon their property, are hereby ratified, confirmed and made valid. The provisions of this section shall apply

to any wharf property, lands under water, uplands, rights, terms, easements or privileges, when required for the equipment, maintenance or operation of a ferry or the acquirement of terminal facilities therefor, or approaches thereto, upon the waterfront of the city of New York, whether such wharf property, lands under water, uplands, rights, terms, easements or privileges have been previously taken for a public use or not. [As amended by Chap. 597, Laws of 1915.]

Separate or Partial Reports in Proceedings to Acquire Wharf Property.

Sec. 822-a. The commissioners of estimate and appraisal, appointed and qualified in any legal proceeding heretofore or hereafter taken by the corporation counsel of The City of New York to acquire for the said city any property or rights pursuant to section eight hundred and twenty-two of this act, may, upon the completion or closing of the testimony by the claimant or claimants in relation to any one or more of several parcels of land, premises or property embraced in such proceeding, upon consent of the corporation counsel of The City of New York, receive the testimony to be submitted on behalf of said city relating to such parcel or parcels, and may thereupon immediately ascertain and estimate the compensation which ought, justly, to be made, according to law, by The City of New York to the respective owners, lessees, parties and persons respectively entitled to or interested in one or more of said several parcels of land, premises or property, and make and file a separate abstract of estimate and report as to any or all of such several parcels and submit such separate abstract of estimate and a report to the supreme court. Each of such separate abstracts of estimate and such reports shall be made in the manner specified for the making and filing of the abstract of estimate and the report provided for in title four of chapter seventeen of this act and shall have the same force and effect when confirmed as abstracts of estimate and reports made and filed pursuant to the provisions of said title. All the provisions of said title, in relation to the completion, filing and presentation of a report to the supreme court for confirmation; and in relation to its effect when confirmed; and in relation to any appeal therefrom or review thereof, and in relation to the payment of the compensation therein allowed by such commissioners, shall apply to any such separate or partial report made by said commissioners pursuant to the provisions of this section.—As amended by Chapter 245, Laws 1910.

Acquirement of certain wharf property on North and East rivers.

Sec. 823. In all proceedings taken prior to the first day of April, nineteen hundred and one, by the board of docks of The City of New York for the acquirement of wharf property, rights, terms, easements, or privileges, or lands under water and uplands in The City of New York, if said wharf property or lands under water, or wharf property to which said rights, terms, easements, or privileges are appurtenant, is or are, situated between the southerly side of Bethune street and the northerly side of Gansevoort street, upon or adjacent to the North river in The City of New York, or between the southerly side of East Eighteenth street and the southerly side of East Twenty-first street, upon or adjacent to the East river, it shall not be necessary for the said board of docks to make any attempt to agree with the owners of any such property, rights, terms, easements, privileges, uplands or lands under water, upon a price for the same, before commencing the proceedings authorized by section eight hundred and twenty-two of this act. In a proceeding brought for the acquirement of any such wharf property, rights, terms, easements, or privileges, or uplands, or lands under water situate, as in this section set forth, the title to the said wharf property, uplands and lands under water, rights, terms, easements, and privileges shall vest in The City of New York four months after the filing in the office of the clerk of the supreme court, in the first judicial district, of the oaths of the commissioners of estimate and assessment in said proceeding appointed, and all of the rights, title and interest of any and all of the owners or persons interested in the said wharf property, rights, terms, easements and privileges or lands under water, or uplands, shall cease and determine and be extinguished at such time. All the awards made in such proceeding for the value of property acquired or interests extinguished, shall draw interest from the time of the vesting of the title in The City of New York.

Acquirement of certain wharf property in the boroughs of Richmond and Brooklyn and on North river and East river in the borough of Manhattan.

Sec. 823-a. In all proceedings hereafter taken by the commissioner of docks of The City of New York for the acquirement of wharf property, rights, terms, easements or privileges, or lands under water and uplands in The City of New York if said wharf property or lands under water, or wharf or other property to which said rights, terms, easements, or privileges are appurtenant, is or are, situated upon the water front of the Borough of Richmond, or anywhere within The Borough of Richmond or upon the water front of The Borough of Brooklyn, between Thirty eighth street, and Sixtieth street, or between the southerly side of Bloomfield street, and the northerly side of West Tweuty-third street, upon or adjacent to the North River in The Borough of Manhattan, between the Battery and Pier three, in The City of New York, it shall not be necessary for the said commissioner of docks to make any attempt to agree with the owners of any such property, rights, terms, easements, privileges, uplands or lands under water, upon a price for the same before commencing the proceedings authorized by section eight hundred and twenty-two of this act. In a proceeding hereafter brought for the acquirement of any such wharf property, right, terms, easements, or privileges, or uplands or lands under water situate as in this section set forth, if the commissioners of sinking fund shall by resolution so direct the title to the said wharf property, uplands and lands under water, rights, terms, easements, and privileges shall vest in The City of New York at such time as said resolution shall direct after the filing in the office of the clerk of the county where the proceedings are pending, of the oaths of the commissioners of estimate and assessment in said proceeding appointed, and all of the rights, title and interest of any and all of the owners or persons interested in the said wharf property, rights, terms, easements, and privileges or lands under water, or uplands, shall cease and determine and be extinguished at such time. All the awards made in such proceedings for the value of property acquired or interests extinguished shall draw interest from the time of the vesting of the title in The City of New York.—As amended by Laws of 1903, Chapter 624.

Acquirement of certain wharf property on East river.

Sec. 823-b. In all proceedings hereafter taken by the commissioner of docks of the City of New York, for the acquirement of wharf property, rights, terms, easements or privileges, or lands under water and uplands in the City of New York, if said wharf property or lands under water, or wharf property to which said rights, terms, easements or privileges are appurtenant, is or are situated south or west of the southerly side of Montgomery street, upon or adjacent to the East River in the borough of Manhattan, City of New York, it shall not be necessary for the said commissioner of docks to make any attempt to agree with the owners of any such property, rights, terms, easements, privileges, uplands or lands under water, upon a price for the same, before commencing the proceedings authorized by section eight hundred and twenty-two of this act. In a proceeding hereafter brought for the acquirement of any such wharf property, rights, terms, easements, privileges, uplands or lands under water, or uplands, rights, terms, easements or privileges, or lands under water situate, as in this section set forth, if the commissioners of sinking fund shall by resolution so direct the title to the said wharf property, uplands, and lands under water, rights, terms, easements and privileges shall vest in The City of New York at such time as said resolution shall direct after the filing in the office of the clerk of the supreme court, in the first judicial district, of the oaths of the commissioners of estimate and assessment in said proceeding appointed, and all of the rights, title and interest of any and all of the owners or persons interested in the said wharf property, rights, terms, easements and privileges or lands under water or uplands, shall cease and determine and be extinguished at such time; provided, however, that thirty days after the title to such wharf property, rights, terms, easements or privileges or uplands or lands under water shall so vest in The City of New York, there shall become due and payable to the owner or owners thereof, subject to all existing liens and incumbrances on account of the awards which shall thereafter be made in such proceeding for the value of the property so acquired by the city, or interest so extinguished, 60 per centum of the assessed valuation of such property, as shown upon the annual record of the assessed valuation of real and personal estate kept by the department of taxes and assessments of the City of New York. It shall be the duty of the commissioners of the sinking fund to recommend and for the board of estimate and apportionment to authorize the comptroller to issue corporate stock of The City of New York as is provided by section one hundred and eighty of title two of chapter six of this act, in an amount sufficient to pay to such owners the sixty per centum of the assessed valuation of such wharf property, rights, terms, easements or privileges or uplands or lands under water taken for and on account of the award thereon, thereafter to be made, and it shall be the duty of the Board of Docks to make requisition for such payment and of the commissioners of the sinking fund to specify that such sale of corporate stock shall be so applied and for the comptroller to draw out and pay such sixty per centum to the owners as aforesaid, and there shall be included in the awards thereafter made in such proceeding, as compensation for the property so taken or acquired or interest extinguished, interest at the legal rate upon the sum or sums so awarded in excess of such sixty per centum of the assessed valuation of such property, and upon said sixty per centum from the date of the vesting of title in The City of New York to the date of payment therefor.—Added by Laws of 1904, Chapter 740.

Acquirement of certain wharf property on the North or Hudson river.

Sec. 823-c. In all proceedings hereafter taken by the commissioner of docks of The City of New York, for the acquirement of wharf property, rights, terms, easements or privileges, or lands under water and uplands in The City of New York, if said wharf property or lands under water, or wharf property to which said rights, terms, easements or privileges are appurtenant, is or are situated south of the northerly line of Cortlandt street extended westerly, upon or adjacent to the North or Hudson river, in the

borough of Manhattan, City of New York, it shall not he necessary for the said commissioner of docks to make any attempt to agree with the owners of any such property, rights, terms, easements, privileges, uplands or lands under water, upon a price for the same before commencing the proceedings authorized by section eight hundred and twenty-two of this act. In a proceeding hereafter brought for the acquirement of any such wharf property, rights, terms, easements, or privileges, or uplands, or lands under water situate, as in this section set forth, If the commissioners of the sinking fund shall by resolution so direct the title to the said wharf property, uplands and lands under water rights, terms, easements and privileges shall vest in The City of New York at such time as said resolution shall direct, after the filing in the office of the clerk of the supreme court, in the first judicial district, of the oaths of the commissioners of estimate and assessment in said proceeding appointed, and all of the rights, title and interest of any and all of the owners or persons interested in the said wharf property, rights, terms, easements and privileges or lands under water, or uplands, shall cease and determine and he extinguished at such time.—Added by Laws 1906, Chapter 801.

Acquirement of certain wharf property in the borough of Brooklyn.

Sec. 823-d. In all proceedings hereafter taken hy the commissioner of docks of The City of New York, for the acquirement of wharf property, rights, terms, easements or privileges, or lands under water, or wharf property to which such rights, terms, easements or privileges are appurtenant, is or are situated in the borough of Brooklyn between the center line of Twenty-eighth street, extended westerly, and the center line of Sixty-first street, extended westerly, it shall not be necessary for the said commissioner of docks to make any attempt to agree with the owners of any such property, rights, terms, easements, privileges, uplands or lands under water, upon a price for the same before commencing the proceedlngs authorized hy section eight hundred and twenty-two of this act. In a proceedlng hereafter brought for the acquirement of any such wharf property, rights, terms, easements, or privileges, or uplands, or lands under water situate, as In this section set forth, if the commissioners of the sinking fund shall hy resolution so direct the title to the said wharf property, uplands and lands under water, rights, terms, easements and privileges shall vest in The City of New York at such time as said resolution shall direct, after the filing In the office of the clerk of the county where such proceedings are pending, of the oaths of the commissioners of estimate and assessment in said proceeding appointed, and all of the rights, title and interest of any and all of the owners or persons interested in the said wharf property, rights, terms, easements and privileges or lands under water, or uplands, shall cease and determine and be extinguished at such time.—Added hy Laws 1906, Chapter 517.

Acquirement of wharf property on East River.

Sec. 823-e. In all proceedings hereafter taken hy the commissioner of docks of The City of New York, for the acquirement of wharf property, rights, terms, easements or privileges, or lands under water, or uplands in the city of New York, is said wharf property or other lands under water, or wharf property to which said rights, terms, easements or privileges are appurtenant is, or are situated hetween the northerly or easterly side of Montgomery street and the southerly side of East Eighth street or hetween the northerly side of East Thirteenth street and the southerly side of East Fourteenth street, upon or adjacent to the East river, in the borough of Manhattan, City of New York, it shall not be necessary for the said commissioner of docks to make any attempt to agree with the owner of any such property, rights, terms, easements privileges, uplands or lands under water, upon a price for the same before commencing the proceedings authorized by section eight hundred and twenty-two of this act. In a proceeding hereafter brought for the acquirement of any such wharf property, rights, terms, easements or privileges, or uplands, or lands under water situate as in this section set forth, if the commissioners of the sinking fund shall hy resolution so direct, the title of said wharf property, uplands and lands under water, rights, terms, easements and privileges, shall vest in the city of New York at such time as said resolution shall direct after the filing in the office of the clerk of the supreme court in the first judicial district of the oaths of the commissioners of estimate and assessment in said proceedings appointed, and all of the rights, title and interest of any and all of the owners or persons interested in the said wharf property, rights, terms, easements and privileges, or lands under water, or uplands, shall cease and determine and be extinguished at such time. All the awards made in said proceeding for the value of property acquired, or interests extinguished shall draw interest at the legal rate from the time of vesting of title in The City of New York to the date of payment thereof. No resolution of the commissioners of the sinking fund or of the board of estimate and apportionment, approving or authorizing the acquisition of land, or directing the vesting in The City of New York of any title to property, and no resolution of the commissioners of the sinking fund adopting or approving, or consenting to, or certifying to a plan or plans, or to any change therein, for the whole or any part of the water front within the limits of The City of New York, shall be of any validity or effect unless passed at a public hearing of said commissioners or board, of which public notice shall be given by publication for six consecutive days in the City Record, not less than seven, nor more than thirty days before said public hearing, which publication shall contain, in addition to such information as the commissioner of docks may think proper, a description of the property to he affected hy the resolution, a statement by the chairman of the commission or hoard, of the date, time and place of said public hearing, an abstract of the recommendation of the head of the department, in regard to the said vesting of title, or adoption or approval or consent or certificate to said plan or plans or change therein, which said plan or plans and recommendation or change therein as proposed, shall be open to the inspection of any citizen at the office of the comptroller of The City of New York at all times during business hours, from the beginning of publication until the day of said hearing.—Added hy Laws 1907, Chapter 372.

Acquirement of wharf property on North River.

Sec. 823-f. In all proceedings hereafter taken hy the commissioner of docks of the city of New York, for the acquirement of wharf property, rights, terms, easements or privileges, or lands under water or uplands in the city of New York, if said wharf property or other lands under water, or wharf property to which sight rights, terms easements or privileges are appurtenant is or are situated between the northerly side of West Thirty-fourth street and the southerly side of West Forty-second street or between the northerly side of West Forty-ninth street and the southerly side of West Fiftieth street, upon or adjacent to the North river, in the borough of Manhattan, city of New York, it shall not be necessary for the said commissioner of docks to make any attempt to agree with the owner of any such property, rights, terms, easements, privileges, uplands or lands under water, upon a price for the same before commencing the proceedings authorized hy section eight hundred and twenty-two of this act. In a proceeding hereafter brought for the acquirement of any such wharf property, rights, terms, easements or privileges, or uplands, or lands under water situate as in this section set forth, if the commissioners of the sinking fund shall by resolution so direct, the title of said wharf property, uplands and lands under water, rights terms, easements and privileges shall vest in the city of New York at such time as said resolution shall direct after the filing in the office of the clerk of the supreme court in the first judicial district of the oaths of the commissioners of estimate and assessment in said proceedings appointed, and all of the rights, title and interest of any and all of the owners or persons interested in the said wharf property, rights, terms, easements and privileges or lands under water or uplands, shall cease and determine and he extinguished at such time. All the awards made in said proceeding for the value of property acquired or interests extinguished shall draw interest at the legal rate from the time of vesting of title in The City of New York to the date of payment thereof.—Added by Laws 1907, Chapter 435.

Acquirement of certain wharf property in Brooklyn.

Sec. 823-g. In all proceedings hereafter taken by the commissioner of docks and ferries of the city of New York, for the acquirement of wharf property, rights, terms, easements, or privileges, or lands under water and uplands in The City of New York, if said wharf property or lands under water or uplands, or wharf property to which said rights, terms, easements or privileges are appurtenant, is or are situated in the borough of Brooklyn, at the junction of Whale and Newtown creeks, and hetween said creeks and North Henry and Green streets, it shall not be necessary for the said commissioner of docks to make any attempt to agree with the owners of any such property, rights, terms, easements, privileges, uplands or lands under water, upon a price for the same before commencing the proceedings authorized by section eight hundred and twenty-two of this act. In a proceeding hereafter brought for the acquirement of any such wharf property rights, terms, easements, or privileges, uplands or lands under water, situate as in this section set forth, if the commissioners of the sinking fund shall by resolution so direct, the title to the said wharf property, uplands and lands under water, rights, terms, easements and privileges shall vest in the city of New York at such times as said resolution shall direct, after the filing In the office of the clerk of the county where such proceedings are pending, of the oaths of the commissioners of estimate and assessment in said proceeding appointed, and all of the rights, title and interest of any and all of the owners or persons interested in the said wharf property, rights, terms, easements and privileges, or lands under water or uplands, shall cease and determine and be extinguished at such time.—Added by Laws 1908, Chapter 381.

Acquirement of wharf property on the North River.

Sec. 823-h. In all proceedings hereafter taken by the commissioner of docks of the City of New York, for the acquirement of wharf property, rights, terms, easements or privileges, or lands under water or uplands in The City of New York, if said wharf property or other lands under water, or wharf property to which said rights, terms, easements or privileges are appurtenant is or are situated hetween the northerly side of West Forty-fourth street and the southerly side of West Forty-ninth street, upon or adjacent to the North river, in the borough of Manhattan, City of New York, it shall not be necessary for the said commissioner of docks to make any at-

tempt to agree with the owner or owners of any such property, rights, terms, easements, privileges, uplands or lands under water, upon a price for the same before commencing the proceedings authorized by section eight hundred and twenty-two of this act. In a proceeding hereafter brought for the acquirement of any such wharf property, rights, terms, easements or privileges, or uplands, or lands under water situate as in this section set forth, if the commissioners of the sinking fund shall by resolution so direct, the title to said wharf property, uplands and lands under water, rights, terms, easements and privileges shall vest in the City of New York at such time as said resolution shall direct after the filing in the office of the clerk of the supreme court in the first judicial district of the oaths of the commissioners of estimate and assessment in said proceedings appointed and all of the right, title and interest of any and all of the owners or persons interested in the said wharf property, rights, terms, easements and priveleges or lands under water or uplands, shall cease and determine and be extinguished at such time. All the awards made in said proceeding for the value of property acquired or interests extinguished shall draw interest at the legal rate from the time of vesting of title in The City of New York to the date of payment thereof.—Added by Laws of 1911, Chapter 661.

Acquirement of wharf property in which city has some interest.

Sec. 824. In all proceedings by the commissioner of docks of The City of New York, for the acquirement of the interests of any person or corporation who is an owner in common, or a joint-tenant with The City of New York, of any wharf property, rights, terms, easements, or privileges, or lands under water and uplands, it shall not be necessary for the said commissioner of docks to make any attempt to agree with said person or corporation who is a tenant in common or joint tenant as aforesaid with The City of New York, upon a price for the same, before commencing the proceedings authorized by section eight hundred and twenty-two of this act. In a proceeding brought for the acquirement of any such right, title or interest in or to any such wharf property, rights, terms, easements or privileges, or uplands, or lands under water, owned as in this section set forth, the title of the person or corporation who, or which is the tenant in common or joint tenant with The City of New York to the said wharf property, uplands and lands under water, rights, terms, easements and privileges, shall vest in The City of New York four months after the filing in the office of the clerk of the supreme court, in the first judicial district, of the oaths of the commissioners of estimate and assessment in said proceeding appointed, and all of the rights, title, and interest of, in and to the said owners, persons or corporations interested in said wharf property, rights, terms, easements, privileges or lands under water or uplands, shall cease, determine and be extinguished at such time. All the awards made in such proceeding for the value of property acquired or interest extinguished shall draw interest from the time of vesting of the title in The City of New York.

Power to acquire and operate ferries.

Sec. 824-a. The commissioner of docks, with the approval of the commissioners of the sinking fund, is authorized in his discretion to acquire by purchase or condemnation, in the name and for the benefit of the corporation of The City of New York, any property now or formerly used in connection with any ferry or ferries (except such ferry or ferries as may be the property of a railroad corporation) situated in the borough of Brooklyn in said city, between the northerly line of South Sixth street, extended westerly and the southerly line of South Ninth street extended westerly and such additional property as may be required for terminal facilities or approaches, and to equip, maintain and operate any such ferry or ferries. The comptroller shall from time to time, when authorized by the Board of Estimate and Apportionment, on the recommendation of the commissioners of the sinking fund, issue corporate stock of the City of New York, in such amounts as they may deem the public interest to demand for the purpose of raising the money necessary to carry out the provisions of this section; except that no corporate stock shall be issued to maintain and operate such ferries to be acquired by this act. Whatever moneys may be required to provide for any deficiency caused by the operation or maintenance of ferries to be acquired by this act shall be provided in the manner now prescribed by law for raising moneys to maintain and operate city properties. If the said commissioner of docks shall deem it proper and expedient that the said corporation should acquire right and title to and possession of any property, now or formerly used in connection with any ferry or ferries, and situated in the borough of Brooklyn, between the northerly line of South Sixth street, extended westerly and the southerly line of South Ninth street, extended westerly, and such additional property as may be required for terminal facilities or approaches, by condemnation, instead of by purchase, the said commissioner of docks may, with the approval of the commissioners of the sinking fund, direct the corporation counsel of said city to take legal proceedings to acquire the same for the city, and the said corporation counsel shall take the same proceedings to acquire the same as are by law provided for the taking of private property in said city for public streets or places, and the provisions of law relating to the taking of private property for public streets or places in said city are hereby made applicable, as far as may be necessary to the acquiring of said ferry or ferries, together with all the property belonging thereto, and such additional property as may be required for terminal facilities or approaches. In a proceeding hereafter brought for the acquirement of any property used in connection with any such ferry or ferries, and such additional property as may be required for terminal facilities or approaches, if the commissioners of the sinking fund by resolution shall so direct, title to the said ferry or ferries and such additional property as may be required for terminal facilities or approaches shall vest in The City of New York at such time as said resolution of the commissioners of the sinking fund shall direct after the filing in the office of the clerk of the county where the procedings are pending of the oaths of the commissioners of estimate in said proceedings appointed, and all of the rights, title and interest of any and all of the owners or persons interested in such property used in connection with said ferry or ferries, and such additional property as may be required for terminal facilities or approaches, shall cease and determine and be extinguished at such time. All the awards made in such proceedings for the value of property acquired or interest extinguished, shall draw interest at the legal rate from the time of the vesting of title in The City of New York.

Each and every captain, pilot, quartermaster, engineer, assistant engineer, ticket agent, ticket chopper, fireman, deck hand, oiler, gateman, bridgeman and matron, who, on the first day of January, nineteen hundred and eight, was employed as such on any ferry, the operation of which shall, hereafter, be assumed by TheCity of New York, and who shall prior thereto have successfully passed a non-competitive civil service examination under the civil service law, in accordance with rules and regulations prepared by the municipal civil service commission, may be retained and assigned to perform service on any ferry, the operation of which shall be assumed by The City of New York, or which has heretofore been assumed by The City of New York. Except that in the case of captains, pilots, quartermasters, engineers and assistant engineers, who have served in such capacity on said ferries for a period of not less than ten years, the production of a license or certificate of fitness granted by the United States government shall be deemed equivalent to a civil service examination.—As amended by Laws 1909, Chapter 331.

Wharfage and dockage charges; leasing property; oyster business; designation of water front for.

Sec. 825. Whenever any of the wharves, piers, bulkheads, slips, docks and basins constructed under the provisions of this chapter shall be opened to the public use, the commissioner of docks shall, subject to the provisions of law, regulate the charges for wharfage, cranage and dockage of all vessels admitted thereto, and may alter such charges from time to time as the public trade may authorize and the said commissioner of docks deem proper; provided, that the rates of wharfage on boats navigating the canals of the state shall not be increased beyond the rates in force on April eighteen, eighteen hundred and seventy-one, except as hereinafter specifically provided, and no restriction of the amount of wharf and slip room occupied by them shall be made; and said commissioner of docks may appropriate any of such wharves as the owners thereof may apply to have so designated or appropriated to the sole use of special kinds of commerce, or of steamboats, or of any other class or description of ships, or vessels, and may restrain and prohibit any ship, steamboat, or any other vessel or water craft whatever from coming into, or lying, mooring, or anchoring at or within any such wharf, pier or slip of said The City of New York, except such as may be so designated for their use respectively. Said commissioner of docks may, in the name and for the benefit of the corporation of The City of New York lease any or all of such property, and any and all wharf property belonging to The City of New York as constituted by this act for a term not exceeding ten years, and covenant for renewal or renewals at advanced rents of such leases for terms ten years each, but not exceeding in the aggregate fifty years. But unless said leases are sold at public auction and duly advertised in the City Record and the corporation newspapers for at least ten days, said commissioner shall make no lease authorized by this section unless the terms of said lease are approved by the commissioners of the sinking fund; but temporary permits for a period not exceeding one year may be granted to use and occupy said wharf property, said permits to be terminable at the will of the commissioner. The commissioner of docks may set aside, designate and appropriate a suitable location on the water front in The City of New York for the sole use of the oyster business. Such designation or appropriation shall be subject at any time to revocation by said commissioner. —As amended by Laws of 1902, Chapter 609.

Id.; leases, etc.

Sec. 825-a. If a person or corporation desires to enter into a lease of any such property or wharf property, and the commissioner of docks and such person or corporation shall not be able to agree upon the rental and the general terms and conditions of said lease, then the said commissioner shall decline in writing the offer of terms which may have been made by such person or corporation. Such person or corporation may thereupon submit his or its proposed terms to the commissioners of the sinking fund, at their next meeting, and the said commissioners

shall forwith accept or refuse the terms so offered, and if said commissioners accept the same, the commissioner of docks shall thereupon execute such lease.—Added by Laws of 1901, Chapter 724.

Ferries; establishment and leasing of.

Sec. 826. The commissioner of docks shall have power and is authorized to lease in the name and for the benefit of The City of New York, in the manner provided by law, the franchise of any ferry or ferries belonging to said city for the highest marketable price or rental, at public auction or by sealed bids, and always after public advertisement and appraisal under the direction of said commissioner, but not for a term longer than twenty-five years, nor for a renewal for a longer term than ten years. And said commissioner shall also possess the power and is hereby authorized to lease in like manner along with the franchise of a ferry or ferries belonging to said city, such wharf property, including wharves, piers, bulkheads and structures thereon and slips, docks and water fronts adjacent thereto, used or required for the purpose of such ferry or ferries, now owned or possessed or which may hereafter be owned or acquired by said city or to which the said city is or may become entitled, or of which it may become possessed. But said commissioner shall make no lease authorized by this section, unless the terms of said lease are approved by the commissioners of the sinking fund. The proceeds of said leasing shall on receipt thereof after paying all necessary charges be immediately paid to the credit of the sinking fund. But nothing in this section contained shall be held to apply to that portion of the East river, which is, by law, exclusively set apart for the use of canal boats engaged in the transportation of freights in the Hudson river coming to tide water from the canals of this state. Leases of such franchises may in the discretion of the commissioner of docks and the commissioners of the sinking fund provide for the character of transportation service to be furnished by the lessee including the character and speed of the boats to be used, frequency of trips, rates of fare and commutation and freight charges, and may provide for forfeiture of the lease in the event of failure to comply with its provisions in regard thereto. Whenever it may be determined by the unanimous vote of the commissioners of the sinking fund, upon the recommendation of the commissioner of docks, that the interests of the city, will not be best promoted by leasing the franchise of a ferry, in the manner hereinbefore directed, it shall be lawful for said commissioner of docks and said commissioners of the sinking fund by resolutions adopted by such unanimous votes, to lease such franchises by private agreement for terms not exceeding twenty-five years and under such conditions as, in their judgment, will best protect and further the interests of the city and the traveling public, or to acquire the necessary real estate property, plant or equipment for such ferry, including necessary terminal facilities and approaches upon the water front in the borough of Richmond or upon the water front of the borough of Brooklyn between Thirty-eighth street and Sixtieth street, and to provide for the maintenance and operation thereof under the supervision of the commissioner of docks, in the name of and for the benefit of The City of New York, upon a plan to be devised by him and approved by the said commissioners. The revenues derived from such operation, shall on receipt thereof, after payment of all necessary charges, immediately be paid to the credit of the sinking fund.

Each and every captain, pilot, quartermaster, engineer, assistant engineer, ticket agent, ticket chopper, fireman, deck hand, oiler, gateman and bridgeman, who, on the first day of January, nineteen hundred and five, was employed as such on any ferry, the operation of which shall, hereafter, be assumed by The City of New York, and who shall continue to be so employed at the time when the operation of said ferry shall be assumed, and who shall prior thereto have sucessfully passed a non-competitive civil service examination under the civil service law in accordance with rules and regulations prepared by the municipal civil service commission, shall be retained and assigned to perform the same service on the same ferry after The City of New York shall have assumed the operation thereof, as he performed on the first day of January, nineteen hundred and five. Except that in the case of captains, pilots, quartermasters, engineers, and assistant engineers who have served in such capacity on the said ferry for a period of not less than ten years, the production of a license or certificate of fitness granted by the United States government shall be deemed equivalent to a civil service examination.—As amended by Laws 1905, Chapter 533.

Establishment of rules for government; penalties.

(See Code of Ordinances Library.)

Sec. 827. The commissioner of docks shall, from time to time, establish all needful rules and regulations for the government and proper care of all property placed in his charge and under his control by the provisions of this chapter, and the said commissioner of docks shall enforce such rules and regulations, and shall issue such orders as may be necessary for such enforcement. No such rule, regulation or amendment thereof, however, shall become valid and effective until a copy thereof, duly certified by the secretary of the said commissioner of docks to be a correct copy, shall have been filed with the city clerk of the city of New York, and such rule, regulation or amendment published once a week for two successive weeks in the City Record. The violation of or failure to comply with any such rule or regulation shall be treated and punished as a misdemeanor, and the violation of or failure to comply with any order issued by the said commissioner of docks pursuant to the provisions of this section shall also be so treated and punished, provided that a copy of such order shall have been served upon either the owner, occupant, lessee or agent of the property involved by the delivery of a copy thereof to the said owner, occupant, lessee or agent, respectively, personally, or, in case of the inability to effect such service, by posting a copy thereof in a conspicuous place on the premises where the violation occurred. The violation of or failure to comply with any such rule, regulation or order, when such order shall have been served as hereinbefore provided, shall also render the offender liable to a penalty in the sum of fifty dollars for each offense and fifty dollars for each day after the first day that the violation continues or the offender may be prosecuted both civilly and criminally. The penalties aforesaid may be recovered in a civil action brought in the name of The City of New York, which action shall be prosecuted by the corporation counsel. All fines and penalties recovered pursuant to the provisions of this section, and all rents and other moneys collected by the said commissioner of docks or pursuant to his direction, shall be paid into the sinking fund for the redemption of the city debt.—As amended by Laws of 1914, chap. 448.

Offices and officers; duties and salaries.

Sec. 828. The commissioner of docks shall have power to furnish and supply offices, provided in accordance with law, for the transaction of the business of the department of docks and ferries. The commissioner of docks shall appoint a secretary and other officers, clerks and agents to assist said commissioner in the performance of his duties and the exercise of his powers; and also the necessary employes for the work of construction, repairs and maintenance. But the annual expenses of said department for rent, furniture, supplies and compensation of secretary and subordinate officers, clerks and agents shall not exceed in the aggregate the sum of one hundred thousand dollars, except with the consent of the commissioners of the sinking fund.

Annual report; contents.

Sec. 829. The commissioner of docks shall annually present to the mayor of the city a report containing: First. The name, occupation and compensation of all officers, clerks and agents appointed and employed by said department. Second. A statement of the actions of the department of docks for the past year, classified with reference to the various subjects and duties which have engaged his attention. Third. A list of the orders and rules made by said commissioner of docks, and a description of the contracts made by said commissioner, the payments made by said commissioner and the purposes and amounts thereof, and the leases made by said commissioner, for what term, at what rent, to whom, and for what property. Said commissioner of docks shall at the time he presents his said annual report to the mayor also file with the civil service supervisory and examining boards of The City of New York a complete statement of the name, address and salary or compensation of all persons employed in any capacity by said department of docks which shall be published in the City Record.

Seal.

Sec. 830. The commissioner of docks may adopt a common seal for said department of docks and ferries, and direct its use. Said seal shall be a device of the arms of The City of New York surrounded by the words, "Department of Docks and Ferries. The City of New York," engraved upon a metal disk two and one-quarter inches in diameter, and the same may be renewed whenever necessary. An impression of such seal made directly on paper shall be as valid as if made on a wafer or on wax. Every lease, contract or other instrument, executed in pursuance of any authority conferred on said commissioner of docks by law, and sealed with such seal, attested and proved according to law by the secretary appointed by said commissioner shall be received in evidence, and may be recorded in the proper recording offices in the same manner and with the like effect as if sealed with the seal of the corporation of The City of New York, attested and proved by the clerk thereof.

Lands under water owned by state.

Sec. 831. The commissioners of the land office are hereby authorized to convey by proper instruments, in writing, necessary for the purpose, all the property, right, title and interest of the people of the state of New York, in and to the land under water, which the commissioner of docks may deem necessary for the construction of wharves, docks, piers, bulkheads, basins, and slips, under this chapter, whenever said commissioners may be required by said commissioner of docks to make such conveyance to The City of New York. But such conveyance shall be made after compliance with such reasonable rules and regulations as the said commissioners of the land office are now empowered to make by law; and nothing in this chapter shall be so construed as to remove or limit the powers and duties of the said commissioners as now conferred upon them by the statutes of the state and as prescribed in other sections and provisions of this act.

May deepen water adjoining wharf, etc.

Sec. 832. It shall be lawful for the commissioner of docks to order and direct that the water near and adjoining any private wharf, pier, dock, bulkhead or land within the limits of The City of New York, be deepened by excavating or removing the earth, mud, dirt, or sand therefrom, and to cause the same to be done in such places and at such times as the said commissioner may deem necessary and proper.

Property and wharf property defined.

Sec. 833. The terms "property" and "wharf property" whenever used in this chapter, shall be taken to mean not only all wharves, piers, docks, bulkheads,

slips and basins, but privileges and easements appurtenant thereto, and such upland or made land adjacent to the said wharves, piers, docks, bulkheads, slips and basins, jurisdiction over which said upland and made land may be assigned to the department of docks and ferries by the commissioners of the sinking fund.

Sites for floating baths.

(See Code of Ordinances Library.)

Sec. 834. The commissioner of docks shall, upon the requisition of the respective borough presidents, furnish free of charge in the vicinity of such locations as shall be designated by such presidents respectively accessible, convenient, and safe berths for mooring the free floating baths, authorized by law.

Public markets and wharves.

Sec. 835. It shall be lawful for The City of New York, in case it shall find it necessary, to cause public markets to be erected, and kept over the waters of the East and North rivers adjoining to any of its docks or wharves; provided, that such markets shall not interfere with the flow of the waters of the said rivers, nor be built beyond the pier or bulkhead line established by law.

Docks to be set apart for street cleaning department and board of health.

(See Code of Ordinances Library.)

Sec. 836. The commissioner of docks shall designate and set apart for the use of the department of street cleaning, the board of health, and other city departments, suitable and sufficient wharves, piers, bulkheads, slips and berths in slips for the use of said departments.

Setting apart piers for recreation.

(See Code of Ordinances Library.)

Sec. 837. The commissioner of docks is hereby authorized to set apart piers in The City of New York as the said commissioner of docks shall deem, from time to time, necessary for the use of the inhabitants of The City of New York, as hereinafter provided, and for the convenience of dealers in country produce and other merchandise transported to The City of New York for sale. The purpose of this section is to afford the inhabitants of The City of New York greater opportunity for healthful recreation than they now possess, and to accomplish such end the said commissioner of docks is hereby authorized to construct or rebuild the piers set apart under the provisions of this section for public use in such manner as shall provide a platform or upper story thereof, and the approaches thereto, which shall be constructed under the direction of a skilled architect, who shall be employed by said commissioner of docks for that purpose. The intention hereof being to permit the upper story of each one of the piers so set apart for public use to be wholly free to the inhabitants of said city for the purpose aforesaid without interference with business occupations, and the said piers on the lower stories thereof shall be open to use to boats and vessels plying upon canals, rivers and lakes of this state which may bring merchandise to the city for sale therein. The occupation of positions by boats at the piers herein mentioned shall be under the control of the commissioner of docks, and order shall be maintained by the police authorities of The City of New York in and around such portions of the said docks as may be set apart for recreation purposes aforesaid. Except as hereinbefore provided, no wharf, pier, bulkhead or shed shall be required by the commissioner of docks to be so constructed as to admit of the free public use of the roof thereof for the purposes of resort and recreation.—As amended by Laws 1908, Chapter 380.

Water front to be set apart for use of fire department.

Sec. 838. The commissioner of docks, with the consent and approval of the commissioners of the sinking fund, is hereby authorized to set apart, for the permanent and exclusive use of the fire department of The City of New York, so much of the water front owned by said city as shall be deemed necessary for the exclusive use of the said fire department of The City of New York.

TITLE 2.

PIERS, SLIPS AND WHARFAGE.

Sheds for protection of property upon piers or bulkheads; construction of the same regulated by commissioner of docks.

(See Code of Ordinances Library.)

Sec. 844. Whenever any person, company or corporation, engaged in the business of steam transportation, shall be owner or lessee of any pier or bulkhead in The City of New York, and shall use and employ the same for the purpose of regularly receiving and discharging cargo thereat, it shall be lawful for such owner or for such lessee, with the consent of the lessor, to erect and maintain, upon such pier or bulkhead, sheds for the protection of property so received or discharged, provided they shall have obtained from the commissioner of docks, in said city, license or authority to erect or maintain the same, and subject to the conditions and restrictions contained in such license or authority; but when such license or authority has been granted and has been acted upon, it shall not be revoked by said commissioner without the consent in writing of the mayor and of the commissioners of the sinking fund, after due hearing of such licensee. All sheds or structures erected or maintained upon any wharf or pier in The City of New York, as heretofore known and bounded, under any license or permit heretofore granted by the department of docks of said city, or hereafter erected or maintained upon any wharf or pier in The City of New York, under any license or permit granted by the commissioner of docks of said city, are declared to be lawful structures, subject to the terms and conditions of the license or permit authorizing the same. Such sheds hereafter shall be constructed subject to the regulations and under the authority of the commissioner of docks. Any such owner or lessee of a pier, or of a pier or bulkhead, or a part thereof, in respect to which the commissioner of docks shall have granted the license or authority herein specified, shall be entitled to the use of the premises so owned or leased by them and no vessel shall be placed in any berth on such pier, or bulkhead, or part thereof, without the consent of such owner or lessee, during the continuance of such license. The commissioner of docks shall have power to build the above structures on any wharf or bulkhead belonging to The City of New York, and shall have power to lease the same; and any lessee thereof shall have all the rights and privileges above granted. Provided that all sheds or structures lawfully erected or maintained at the time this act takes effect upon any wharf or pier in any part of the territory embraced within The City of New York as constituted by this act, are hereby declared to be lawful structures.

Wharves, slips, etc., not to be used as dumping grounds.

(See Code of Ordinances Library.)

Sec. 845. It shall not be lawful to permit the use as a dumping ground of any wharf, pier or slip, or bulkhead adjacent thereto in the navigable waters of the East River, in The City of New York, which has heretofore been used for the loading and discharging of sailing vessels regularly employed in foreign commerce and having a draught of more than eighteen feet of water.

Storehouses, booths, shops, etc., on sheds not authorized.

Sec. 846. Nothing in the two preceding sections contained shall be construed to authorize the erection or maintenance on any pier of any storehouse, booths, shops, or other structures than the sheds mentioned in the last section but one, with the proper doors and gates appertaining thereto, nor to impair any powers conferred upon the commissioner of docks, except as provided by said section, and except as provided by section eight hundred and seventy-one of the Greater New York charter.—As amended by Laws 1904, Chapter 455.

Offices abolished.

Sec. 847. The offices of captain of the port of New York and of harbor master of the port of New York are hereby abolished. The dock masters appointed by the commissioner of docks of The City of New York, as constituted by this act, shall be vested with all the powers and shall perform all the duties conferred or imposed upon the dock masters appointed by the commissioner of docks of The City of New York, as heretofore known and bounded, by chapter one hundred and ninety-nine of the laws of eighteen hundred and eighty-eight and the acts amendatory thereof, and supplementary thereto.

Dock masters; certain powers of.

Sec. 848. The dock masters appointed by the commissioner of docks of The City of New York shall be vested with all the powers and perform all the duties conferred on or imposed upon the harbor masters of the port of New York by a certain act, entitled, "An act to provide for the appointment of a captain of the port of New York, and harbor master of the port of New York, and defining and regulating the powers and duties and compensation of said officers, and repealing chapter four hundred and eighty-seven of the laws of eighteen hundred and sixty-two," passed May fourth, eighteen hundred and eighty-three, and known as chapter three hundred and fifty-seven of the laws of eighteen hundred and eighty-three. Nothing in this section contained shall entitle the said dock masters to any additional compensation for performing the duties and exercising the powers hereby imposed and conferred. Each of said dock masters shall personally perform the duties assigned to him by the commissioner of docks. He shall not appoint any deputy, or assistant, or delegate the powers of his office to any person or persons whatever. He shall not collect any fees except such as are now or may be authorized by law, and which shall be specified by the commissioner of docks. He shall not take or receive directly or indirectly, any money, or thing of value, or compensation for his services, or on account of the exercise of his powers of office, except as now provided, or which may hereafter be provided, by law and the regulations of the commissioner of docks. Any dock master violating any of the provisions of this section shall, upon conviction thereof by any court of record, be punished by a fine of five hundred dollars, and in addition thereto may, in the discretion of the court, be imprisoned in the county jail for a term not exceeding thirty days.

Removal of obstructions, etc., from piers, etc.

(See Code of Ordinances Library.)

Sec. 849. Whenever any pier, wharf, or bulkhead in The City of New York, shall be incumbered or obstructed in its free use by merchandise or by any material not affixed to such pier, wharf or bulkhead, the commissioner of docks is hereby authorized to require the owner, consignee or person in charge of such merchandise or material, to remove the same without any unnecessary delay, and the said commissioner shall have power, from time to time, to make such general rules and regulations and give such directions as will secure dispatch in loading and un-

loading vessels, and the prompt removal of the same from the piers as soon as completed, and also such as shall be necessary to prevent any unnecessary accumulation of freight or merchandise upon any pier or wharf, while any vessel shall be engaged in receiving or discharging her cargo; provided, however, that the power hereinbefore conferred shall not be exercised in reference to any obstruction or incumbrance upon any pier or wharf occupied by any regular line of steamboats or steamships, or by any railroad company, except upon the written request of the occupant or lessee of such pier or wharf.

Expense of carrying out last section.

Sec. 850. Whenever the commissioner of docks shall make any order or give any direction in pursuance of the power conferred by the last preceding section, it shall be the duty of the owner, consignee or person in charge of the merchandise, property, or vessel in reference to which such order or direction is given, to comply with the same without any unreasonable delay, or, in default thereof, the said commissioner of docks may employ such laborers and assistance as may be necessary to carry out such order or direction, by the removal of the material, merchandise, or vessel in reference to which the same was given; and all expenses actually and necessarily incurred in effecting such removal shall be paid by the owner, consignee, or person in charge of the material, merchandise, or vessel so removed, and the amount thereof shall be a lien upon the same in favor of the department of docks, and may be enforced in the same manner and by the same proceedings as liens on vessels are enforced by warrant of attachment, under and pursuant to the provisions of the act entitled, "An act to provide for the collection of demands against ships and vessels," passed April twenty-fourth, eighteen hundred and sixty-two, and all the provisions of said act, so far as the same can be made applicable, shall apply to the liens hereby created; and the said commissioner shall, for the purposes of this section, be deemed a creditor of said owner, consignee or person in charge, and each of them, for the amount of the expenses so incurred, and may have and maintain an action against them, or either of them, to recover the same.

Removal of obstructions, continued.

(See Code of Ordinances Library.)

Sec. 851. Whenever any pier or bulkhead or marginal street, wharf or place in The City of New York, shall be incumbered, or its free use interfered with by merchandise, lumber, trucks, wagons or any other obstruction, whether of loose materials or built upon or affixed to the pier or bulkhead or marginal street, wharf or place without authority of law, it shall be the duty of the commissioner of docks to notify the person or persons placing or keeping such merchandise or other obstruction on such pier or bulkhead or marginal street, wharf or place, to remove such merchandise or other obstructions within twenty-four hours after such notice, and in case of failure to comply with such notice and to remove such merchandise or obstructions, the person or persons so notified shall be liable to pay to the commissioner of docks the sum of twenty-five dollars for each and every day during which such merchandise or obstruction shall remain on such pier or bulkhead or marginal street, wharf or place. And the commissioner of docks shall have power, in his discretion, to remove any merchandise, lumber, trucks, wagons or any other obstruction so incumbering any pier or bulkhead, or marginal street, wharf or place, and to store the same in a warehouse or other proper receptacle, and a sum equal to the amount of the expenses of removal, together with the charges for storage, shall be paid by the owner of such merchandise to the commissioner of docks, and shall be a lien on such merchandise until paid.

Storage of obstructions.

Sec. 852. Whenever merchandise discharged from a vessel and incumbering a bulkhead or pier, in the port of New York, shall not, in the judgment of the said commissioner of docks, be of sufficient value to pay the expenses of removal and storage, as provided in the last preceding section, such merchandise shall be removed and stored at the expense of the owner, consignee or master of the ship or vessel from which such merchandise shall have been discharged.

Unclaimed merchandise to be advertised.

Sec. 853. At the expiration of every six months it shall be the duty of said commissioner of docks to advertise, for one week, in the City Record, the merchandise, lumber, trucks, wagons or other obstruction which they have stored and which has remained unclaimed, setting forth the marks and numbers of each package or parcel, the description of the merchandise, or material, the pier whence such merchandise was removed, and the date of such removal, and if any of such merchandise or material so advertised shall remain thereafter unclaimed for three months, said commissioner of docks may then sell the same, after further advertisement for one week in the City Record at public auction, to the highest bidder, to pay the expenses which have been incurred on such merchandise, lumber, trucks, wagons or other obstruction, and the remainder shall be held in trust by the said commissioner for the owner or owners thereof, for twelve months, when, if not claimed, it shall be paid over to the commissioners of the sinking fund.

Canal boats; territory appropriated to.

(See Code of Ordinances Library.)

Sec. 854. All that part of the water adjacent to the wharves of The City of New York, as hereinbefore known and bounded, commencing at the easterly side of pier new number four, to and including the east side of pier number eight, East river, shall hereafter from the twentieth day of March to the thirty-first day of December in each year, be set apart, kept, and reserved for the exclusive use and accommodation of canal boats and barges engaged in the business of transporting property on the Hudson river, or coming to tide water from the canals of the state, arriving in said city from the city of Albany or any part or place north or west thereof, and for the use of lighters engaged in loading or unloading such boats or barges; and it shall be the duty of the commissioner of docks and of all officers who now are or hereafter shall be empowered by law, or by any ordinance of The City of New York, as constituted by this act, to regulate or station ships and vessels in the harbor of said city, to prohibit and prevent all other boats, ships, or vessels from entering any of the slips or approaching or lying at any of the wharves between the point aforesaid, and the easterly side of pier new number eight, East river aforesaid, during the period above specified, when such slips or the wharves connected therewith shall be required for the use and accommodation of the canal boats and barges hereinbefore mentioned; and the said commissioner of docks or other officers, aforesaid, shall assign such other accommodations for said canal boats and barges in other parts of the port of New York, as may, from time to time, be necessary in receiving or discharging their cargoes.—As amended by Laws 1906, Chapter 342.

Boats and barges; use of waters between 51st and 54th street piers.

(See Code of Ordinances Library.)

Sec. 854-a. All that part of the water adjacent to the wharves of The City of New York as heretofore known and bounded, from and including the north side of pier foot of West Fifty-first street, North River, shall hereafter be set apart, kept and reserved, from the twentieth day of March to the thirty-first day of December in each year for the exclusive use and accommodation of canal boats and barges engaged in the business of transporting property on the Hudson River and for the use of lighters engaged in loading or unloading such boats or barges, and it shall be the duty of the commissioner of docks and all officers who are now, or who hereafter shall be, empowered by law, or by any ordinance of The City of New York, to regulate or station ships and vessels in the harbor of said city, to prohibit and prevent all other boats, ships or vessels from entering any of the slips, or approaching or lying at any of the wharves included in the space aforesaid, when such slips or the wharves connected therewith shall be required for the use and accommodation of the boats and barges hereinbefore mentioned; and the piers within said space shall not be leased, but shall be kept by the city and reserved for the use and accommodation of canal boats and barges engaged in transportation on the Hudson River; but nothing herein contained shall be deemed to change the rates of wharfage as now fixed by statute.—Added by Laws of 1902, Chapter 546.

Derricks for unloading canal boats authorized.

Sec. 855. It shall be lawful for the proprietors of any regular line of canal boats or barges using the waters within the limits aforesaid, or any other limits to which they may be assigned, as provided in the preceding section, to erect and maintain upon any of the piers, or wharves adjacent thereto, suitable derricks, to be used by said proprietors and their employes in loading and unloading said canal boats and barges; no derrick or structure so erected shall be deemed an obstruction or incumbrance upon such pier or wharf, within the meaning of any statute or ordinance prohibiting the incumbering or obstructing any such pier or wharf, or authorizing the removal of obstructions or incumbrances upon the same.

Occupation of waters by ships not entitled thereto.

(See Code of Ordinances Library.)

Sec. 856. Whenever any portion of the waters mentioned in the last section but one shall be occupied by any ship or vessel not entitled to occupy the same according to the provisions of that section, and the proprietor or proprietors or persons in charge of any of the canal boats or barges specified in said section, shall desire to use the berth or slip occupied by such ship or vessel, it shall be the duty of said commissioner of docks, upon the request of the proprietor or consignee or person in charge of said canal boat or barge forthwith to remove such ship or vessel as far as may be necessary to accommodate such canal boat or barge. If the said commissioner of docks to whom such request is made shall neglect or refuse to comply with the same he shall, for each such neglect, or refusal, forfeit and pay to the proprietor or proprietors of the canal boat or barge, in reference to which request was made, the sum of fifty dollars, to be sued for and recovered by and in the name of such proprietor or proprietors, for his or their use and benefit in any court of competent jurisdiction.

Failure to remove when ordered; penalty.

(See Code of Ordinances Library.)

Sec. 857. Any person in command or in charge of any ship or vessel which the commissioner of docks is authorized and required to remove, as specified in the last preceding section, who shall neglect or refuse to comply with any order or direction of the said commissioner in reference to the removal thereof, or who

shall resist or obstruct the removal of such ship or vessel, shall, for every such offense, forfeit and pay the sum of fifty dollars, to bo sued for and recovered, with costs, by and in the name of said department of docks in any court of competent jurisdiction.

Certain docks and piers set apart for garden produce.

(See Code of Ordinances Library.)

Sec. 858. The docks, piers and bulkheads on the Hudson river from Gansevoort to Little West Twelfth street, shall be set apart by the commissioner of docks, or such department as shall have control thereof, and kept for the use of boats, barges and other vessels engaged in the business of transporting farm and garden produce, at such rates of wharfage as have been, or shall be lawfully established, and said commissioner of docks, or other department, having control of said docks, piers and bulkheads may, from time to time, when said docks, piers or bulkheads are not in actual use for the purpose above mentioned, allow the same to be used for other and additional purposes, and they are hereby authorized and empowered at any such time to desIgnate and appropriate any or all of said docks, piers or bulkheads for any public or general use, and such designation or appropriation shall be subject at any time to revocation by said commissioner or department making the same.

Wharfage and dockage rates enumerated.

(See Code of Ordinances Library.)

Sec. 859. It shall be lawful to charge and receive, withiu The City of New York, wharfage and dockage at the following rates, namely: From every vessel that uses or makes fast to any pier, wharf, or bulkhead, within said city or makes fast to any vessel lying at such pier, wharf, or bulkhead, or to any other vessel lying outside of such vessel, for every day or part of a day except as hereinafter provided, as follows: From every vessel of two hundred tons burden and under, two cents per ton; and for every vessel over two hundred tons burden, two cents per ton for each of the first two hundred tons burden, and one-half of one cent per ton for every additional ton, except that, save as hereinafter provided, vessels known as North river barges, market boats and barges, sloops employed upon the rivers and waters of this state, and schooners exclusively employed upon the rivers and waters of this state shall pay for every such vessel under the burden of fifty tons, at the rate of fifty cents per day; for every such vessel of the burden of fifty tons, and under the burden of one hundred tons, at the rate of sixty-two and a half cents per day; for every such vessel of the burden of one hundred tons, and under the burden of one hundred and fifty tons, at the rate of seventy-five cents per day; for every vessel of the burden of one hundred aud fifty tons, and under the burden of two hundred tons, at the rate of eighty-seven and a half cents per day; and for every such vessel of the burden of two hundred tons, and under the burden of two hundred and fifty tons, at the rate of one hundred cents per day; for every such vessel of the burden of two hundred aod fifty tons, and under the burden of three hundred tons, at the rate of one hundred aud twelve and a half cents per day; for every such vessel of the burden of three hundred tons, and under the burden of three hundred and fifty tons, at the rate of one hundred and twenty-five cents per day; for every such vessel of the burden of three hundred and fifty tons, and under the burden of four hundred tons at the rate of one hundred and thirty-seven and a half cents per day; for every such vessel of the burden of four hundred tons and under the burden of four hundred and fifty tons, at the rate of one hundred and fifty cents per day; for every such vessel of the burden of four hundred and fifty tons, and under the burden of five huudred tons, at the rate of one hundred and sixty-two and a half cents per day; for every such vessel of the burdeu of five hundred tons, and under the burden of five hundred and fifty tons, at the rate of one hundred and seventy-five cents per day; for every such vessel of the burden of five hundred and fifty tons, and under the burden of six hundred tons, at the rate of one hundred and eighty-seven and one-half cents per day; for every such vessel of the burden of six hundred tons and upwards, to pay twelve and a half cents, in addition for every fifty tons in addition to the rate last mentioned, for every day such ship or vessel shall use or be made fast to any of said wharves; but uo boat or vessel over fifty tons burden shall pay less than fifty cents for a day or a part of a day, and the class of sailing vessels now known as lighters shall be at one-half the first above rates. Every other vessel making fast to a vessel at any pier, wharf, or bulkhead within said city, or to another vessel outside of such vessel, or at an anchor within aoy slip or basin, when not receiving or discharging cargo or ballast, one-half of the first above rates; and from every vessel or floating structure, other than those above named, or used for transportation of freight or passengers, double the first above rates, except that floating grain elevators shall pay one-half the first above rates; and every vessel that shall leave a pier, wharf, bulkhead, slip or basin, without first paying the wharfage or dockage due thereon, after being demanded of the owner, consignee, or person in charge of the vessel, shall be liable to pay double the rates established by this sectiou.

Id.: on vessels in clam or oyster trade.

(See Code of Ordinances Library.)

Sec. 860. Vessels of two hundred tons burden and under, which shall be actually engaged in the clam and oyster trade, and which make fast to any pier, wharf or bulkhead within The City of New York, shall pay one and one-half cents per ton per day, and every such vessel which shall make fast to another vessel lying at any such pier, wharf or bulkhead, or to any vessel lying outside of such vessel, or that shall anchor within any slip or basin in said city shall pay one cent per ton per day; provided, however, that no vessel shall pay less than twenty-five cents nor less than one day's wharfage, nor shall more than one day's wharfage be charged unless for a continuous use of the pier, wharf bulkhead, slip or basin of more than twenty-four hours. The commissioner of docks may grant permits for vessels or floating structures engaged in the oyster business and used for the receipt, preparation and opening of oysters and other shell fish to remain continuously moored to or at any of the docks, piers and bulkheads within The City of New York, not otherwise specifically appropriated by law to the sole use of other kinds of commerce, upon such terms as to wharfage and otherwise, and subject to such regulations as said commissioner may prescribe. All permits so granted by such commissioner shall be subjected at any time to revocation by it. Upon any such permit being granted the person or persons, or corporation receiving the same, shall be entitled to moor such vessels or floating structures, continuously and until such permit shall be revoked to or at the dock, pier or bulkhead designated in such permit for that purpose, subject to the terms of such permit; provided, however, that where The City of New York is not the owner of the dock, pier or bulkhead designated in such permit the consent of the owner or owners of the same, or of the person or persons entitled to collect wharfage therefrom shall have been obtained.

Id.: canal boats and vessels carrying brick.

(See Code of Ordinances Library.)

Sec. 861. Every canal boat and every vessel engaged in freighting brick on the Hudson river occupying a berth next to any pier, wharf, or bulkhead in The City of New York, and engaged in delivering cargo upon said pier, wharf, or bulkhead, or receiving cargo therefrom, shall pay wharfage at the rate of fifty cents for every day or part of a day while so engaged; but when reloaded such canal boats or vessels aforesaid shall pay wharfage at the rate of thirty cents per day or part thereof; but no canal boat or vessel lying in any slip between two adjacent piers shall be required to pay full wharfage to the owners or lessee of both said piers for the same day, notwithstanding such canal boat or barge may, during said day, have changed her location between said piers; provided that they shall pay one-half rates to each owner or lessee when they have changed their locations between said piers; and the word "day" whenever it occurs in this and the last preceding section, shall be taken and construed to mean twenty-four hours.

Rates for goods, etc., remaining on pier or wharf.

(See Code of Ordinances Library.)

Sec. 862. It shall be lawful for the owners or lessees of any pier, wharf, or bulkhead within The City of New York, to charge and collect the sum of five cents per ton on all goods, merchandise, and materials remaining on the pier, wharf, or bulkhead owned or leased by him, for every day after the expiration of twenty-four hours from the time such goods, merchandise, and materials shall have been left or deposited on such pier, wharf or bulkhead, and the same shall be a lien thereon.

Rates to be printed in wharfage bills.

(See Code of Ordinances Library.)

Sec. 863. It shall be the duty of every person owning or having charge of any pier, wharf, bulkhead, or slip in The City of New York, to cause to be printed on the back of all bills, presented by them for wharfage, section eight hundred and fifty nine of this act, and the owner, consignee, or person in charge of any vessel shall not be required to pay the wharfage or dockage due on such vessel, unless upon his demand the bill printed in conformity with this section is presented to him. Any person owning or having charge of any pier, wharf, bulkhead, or slip as aforesaid, who shall receive for wharfage any rates in excess of those now authorized by law, shall forfeit to the party aggrieved treble the amount so charged as damages, to be sued for and recovered by the party aggrieved.

What waters included in port of New York.

Sec. 864. The port of New York, wherever the same is mentioued or referred to in this chapter, shall be deemed aud taken to include, unless otherwise expressly stated, all the waters of the North river and East river aud the harbor embraced within or adjacent to or opposite to the shores of The City of New York, as constituted by this act.

Additional accommodations for canal boats.

(See Code of Ordinances Library.)

Sec. 865. The commissioner of docks shall, in addition to the piers and waters especially assigned thereto by law, assign such accommodations for canal boats and barges eugaged in the business of transporting property on the Hudson river, or coming to tido water from the canals of the state, or arriving in said port from Albany or any place north or west thereof, as may from timo to time be necessary in receiving and discharging their cargoes.

Penalty for vessels wrongfully entering canal boat territory.

Sec. 866. No vessel, other than canal boats, barges or lighters receiving or delivering property from or to said canal boats or barges, shall use or enter into for the purpose of using any part of the port of New York set apart for the use of canal boats and barges without the written consent of the commissioner of docks had and obtained therefor, and then only between the first day of January and twentieth day of March in each year, and when not occupied by canal boats, under a penalty of one hundred dollars for every day that such vesel shall remain in said part of said port so set apart after being notified to leave by the said commissioner and said penalty shall be a lien upon auy such vessel, and be enforced by proceedings against it, instituted by and in the name of the said department of docks, according to the provisions of the laws of this state concerning attachments against vessels.

Powers of dock masters to assign and regulate stations for vessels; penalty for refusing to obey direction.

(See Code of Ordinances Library.)

Sec. 867. Each dock master appointed by the commissioner of docks shall have power, within the district assigned to him, subject to the other provisions of this act, to provide and assign suitable accommodations for all ships and vessels, and regulate them in the stations they are to occupy at the wharves or in the stream, and to remove from time to time such vessels as are not employed in receiving or discharging their cargoes, to make room for such others as require to be more immediately accommodated for the purpose of receiving or discharging their cargoes and shall have power to determine as to the fact of their being fairly and in good faith employed in receiving and discharging their cargoes, and shall have authority to determine how far and in what instance it is the duty of the master and others having charge of ships and vessels to accommodate each other in their respective situations. And if any master or any person having charge of any vessel, canal boat, barge or lighter, shall refuse or neglect to move his vessel, canal boat, barge or lighter, when ordered to do so by a dock master, or shall resist or forcibly oppose said officer in the discharge of his duties, such master or persons so refusing, neglecting, resisting or opposing, shall, for every offense, forfeit and pay the sum of fifty dollars to be recovered with costs of suit, by and in the name of the department of docks before any court having cognizance thereof.

Maintenance of open piers for general wharfage.

Sec. 867-a. The commissioner of docks may assign, designato and reserve in each of the divisions of the water front hereinafter specified in this section, wharf property belonging to The City of New York for general wharfage purposes, and when such assignment, designation and reservation shall have been once approved by resolution passed by the commissioners of the sinking fund no lease of said wharf property, assigned, designated and reserved, shall thereafter be made, and no permit shall b granted for dumping boards, ice bridges, stationary hoists, or any exclusive privileges thereon, nor shall any permit be granted for exclusive use of any portion of said wharf property so assigned, designated and reserved except as provided for in this section. Applications for berths shall be filed with the dock master of the district in which the wharf property is situated, and considered in the order of their receipt.

Subsequent to the assignment, designation and reservation of any general wharfage room, as herein set forth under section eight hundred and sixty-seven-a, no lease of said wharf property so assigned, designated and reserved shall be of any validity or effect until it shall have been approved by resolution of the commissioners of the sinking fund passed at a public hearing, of which public notice shall be given by publication for six consecutive days in the City Record not less than seven nor more than thirty days before said public hearing, which publication shall contain in addition to such information as the commissioner of docks may think proper, the following:

1. The name and address, by street and number, of the proposed lessee.
2. A description of the property.
3. The proposed rental.
4. The proposed terms.
5. Whether the lessee is to have any special privilege with said lease, such as to erect and maintain a shed, ice bridge, or any other privilege than the right to collect cranage and wharfage.
6. A statement by the chairman of the sinking fund commission of the date, time and place of said public hearing.
7. A copy of the recommendation of the commissioner of docks to the said sinking fund commission in regard to said lease, which said proposed lease shall be open to the inspection of any citizen at the office of the comptroller of The City of New York at all times during business hours from the beginning of publication until the day of said hearing.

The water front divisions in The City of New York in this section eight hundred and sixty-seven-a, before referred to, are as follows:

Number 1. The entire water front of the borough of Richmond, and from the east side of the barge office at Battery park to the south side of the ferry foot of Catherine street, East river, borough of Manhattan.

Number 3. From the south side of Catherine street ferry to the south side of the bulkhead foot of Corlears street, East river, borough of Manhattan.

Number 5. From the south side of bulkhead foot of Corlears street to the north side of Eighth street, East river, borough of Manhattan.

Number 7. From the north side of Eighth street to the north side of Twenty-fourth street, East river, borough of Manhattan.

Number 9. From the north side of Twenty-fourth street to the north side of Forty-eighth street, East river, borough of Manhattan.

Number 11. From the north side of Forty-eighth street to the north side of Seventy-ninth street, East river, borough of Manhattan.

Number 13. From the north side of Seventy-ninth street, East river, to the south side of One hundred and seventh street, Harlem river, borough of Manhattan.

Number 15. From the south side of One hundred and seventh street, on the south side of the Harlem river, to the north side of Eighth avenue, borough of Manhattan.

Number 17. From the city line northerly to Atlantic avenue, borough of Brooklyn, including both sides of Gowanus canal.

Number 18. From Atlantic avenue north to Division avenue, including Wallabout basin and canal, borough of Brooklyn.

Number 19. From and including Division avenue north to the south side of Newtown creek, borough of Brooklyn.

Number 2. From the west side of the barge office, at Battery Park, to the south side of Canal street pier north, number thirty-four, North river, borough of Manhattan.

Number 4. From the south side of pier thirty-four to the south side of Fourteenth street, North river, borough of Manhattan.

Number 6. From the south side of Fourteenth street to the south side of Thirty-third street, North river, borough of Manhattan.

Number 8. From the south side of Thirty-third street to the north side of Forty-eighth street, North river, borough of Manhattan.

Number 10. From the north side of Forty-eighth street to the north side of Fifty-ninth street, North river, borough of Manhattan.

Number 12. From the north side of Fifty-ninth street to the south side of One hundred and twenty-ninth street, North river, borough of Manhattan.

Number 14. From the south side of West one hundred and twenty-ninth street, North river, to and including Spuyten Duyvil, North river, and the south side of the Harlem river to the north side of Eighth avenue, borough of Manhattan.

Number 16. All the water front of the borough of the Bronx.

Number 20. All the water front of the borough of Queens.—Added by Laws 1906, Chapter 635.

False personation of dock masters.

Sec. 868. Any person who shall falsely represent himself to be a dock master, or wrongfully perform the duties of dock master, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned in the county jail for a term not exceeding sixty days, and fined, in the discretion of the court, a sum not exceeding twenty-five dollars.

Violations to be reported.

Sec. 869. It shall be the duty of the dock masters appointed by the commissioner of docks to report to said commissioner all violations of any of the provisions of this chapter, and of the rules and regulations of the commissioner of docks which may come to the knowledge of said dock masters, or which may be known to them by complaint or otherwise.

Floating docks authorized.

(See Code of Ordinances Library.)

Sec. 870. It shall be lawful for floating docks to be used, with the consent of the owners of the piers or bulkheads, respectively, occupied for such use, or of the persons entitled to collect wharfage for such piers or bulkheads, for the purpose of taking up ships or vessels for repair, coppering or finishing, in the manner heretofore practiced in the port of New York, subject to the authority established by this act to regulate by ordinance the use of the slips, piers and wharves of The City of New York.—As amended by Laws 1906, Chapter 559.

Platforms, sheds, stands, etc., for the wholesale fish trade.

(See Code of Ordinances Library.)

Sec. 871. The lessee of any wharves, piers, bulkheads, slips, land under water or other wharf property, to whom leases have been or may hereafter be granted for the use of the wholesale fish trade, may erect and maintain thereon during the terms of any such leases or any renewals thereof, such platforms, sheds, stands or other structures, suitable to the business of the wholesale fish trade as may be approved by the commissioner of docks.—Added by Laws 1904, Chapter 455.

TITLE 3.

GENERAL PROVISIONS.

Grants of land under water restricted.

Sec. 876. No grants of land under water shall be made by the board of aldermen of the city of New York, or by any officer, board or department thereof, beyond the exterior lines of the city of New York, as fixed by an act of the legislature passed April seventeenth, eighteen hundred and fifty-seven, entitled "An act to establish bulkhead and pier lines for the port of New York," as amended by subsequent act, unless as expressly authorized by acts passed subsequent thereto. But the city of New York is authorized in its discretion to convey to the state of New York in fee simple absolute such dock lands and adjacent lands und

water as may by resolution of the canal board be declared necessary for canal terminals, such lands to be and remain public lands under the sole control of the state.—As amended by Chapter 269, Laws 1910.

Time for improving lands adjacent to water on Harlem river.

Sec. 877. The period of time fixed for the appropriation to the purposes of commerce by the construction of a dock or docks, and filling in the same, in all letters patent issued by the people of the state of New York to the owners of the adjacent upland for lands under water and between high and low water mark in front of and adjacent to the lands of the said owners of the adjacent upland on the easterly shore of the Harlem river, is extended until two years after the time when plans for the improvement of said river shall have been or shall be completed by the proper authorities, and copies of such plans, filed, one in the office of the register of the county of New York, and one in the office of the secretary of state at Albany.

Dumping snow and ice from piers.

Sec. 878. It shall be lawful for the commissioner of street cleaning to cause to be dumped, or authorize to be dumped, snow and ice between the piers near their inshore ends, into the waters of the East and North or Hudson rivers.

Injuries to vessels lying at exterior end of wharf.

(See Code of Ordinances Library.)

Sec. 879. It shall not be lawful for any vessel, canal boat, barge, lighter or tug to obstruct the waters of the harbor by lying at the exterior end of wharves in the waters of the North or East river, except at their own risk of injury from vessels entering or leaving any adjacent dock or pier; any vessel, canal boat, barge, lighter or tug so lying shall not be entitled to claim or demand damages for any injury caused by any vessel entering or leaving any adjacent pier.

Certain substances not to be dumped in port of New York.

(See Code of Ordinances Library.)

Sec. 880. The placing, discharging or depositing, by any process or in any manner, of refuse, dirt, ashes, cinders, mud, sand, dredgings, sludge acid, or any other refuse matter, floatable or otherwise, in the tidal waters of the port of New York as defined by this act, except under permit of the United States supervisor of the harbor, is hereby strictly forbidden, and every person violating the foregoing provisions shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than two hundred and fifty dollars nor less than five dollars, or imprisonment for not more than six months nor less than ten days, one-half of said fine to be paid to the person or persons giving information which shall lead to the conviction of such misdemeanor.

Scows to receive ashes, etc. from steam tugs and vessels.

(See Code of Ordinances Library.)

Sec. 881. The various scows employed by The City of New York, or by the contractors for removing ashes, garbage and refuse of said city, while moored at the various dumping boards of said city are hereby designated and required to receive directly any and all ashes or rubbish from any steam tug or vessel in the harbor, and in addition to the foregoing provisions two or more scows shall be located at such points within the harbor as the supervisor of the harbor may direct for the special use of boats and vessels wishing to discharge ashes or rubbish.

CHAPTER XVII.

TAXES AND ASSESSMENTS.

Title 1. Department of taxes and assessments; powers and duties.
2. Assessments for local improvements other than those confirmed by a court of record.
3. Vacating and modifying assessments for local improvements other than those confirmed by a court of record.
4. Opening streets and parks.
5. Sales of tax liens on lands for taxes, assessments and water rents.—As amended by Laws 1908, Chapter 490.

TITLE 1.

DEPARTMENT OF TAXES AND ASSESSMENTS, POWERS AND DUTIES.

One of the departments of the city.

Sec. 884. The department of taxes and assessments shall be one of the departments in said city.

Department, how composed; terms and salaries.

Sec. 885. The head of the department of taxes and assessments shall be called the board of taxes and assessments. Said board shall consist of a president, who shall be designated in his appointment, and (four) six other persons, one of whom at least shall be a person learned in the law, who shall be called commissioners of taxes and assessments. The salary of the president shall be eight thousand dollars a year, and the salary of each of the other commissioners seven thousand dollars a year. Not more than five of the said commissioners, including the said president, shall belong to the same political party, and have the same political opinions on state and national issues.

The said president shall be a resident of the Borough of Manhattan, and not more than one of said commissioners, belonging to the same political party and having the same political opinions on state and national issues, may be residents of the same borough, except of the Borough of Manhattan.—As amended by Laws 1904, Chapter 757.

Devolution of power.

Sec. 886. All of the rights, powers and duties heretofore devolved by law upon the board of taxes and assessments in The City of New York, upon the department of assessments of the city of Brooklyn, and upon like departments, boards or officers of taxes and assessments other than for street improvements in the other municipal and public corporations or parts of municipal and public corporations consolidated by this act with the municipal corporation known as the mayor, aldermen and commonalty of The City of New York, are hereby devolved, unless otherwise herein expressly provided, upon and vested in the board of taxes and assessments in The City of New York. The said board of taxes and assessments in The City of New York is hereby authorized to adopt a common seal. Copies of all books and papers duly filed in the office of the department of taxes and assessments, and transcripts thereof, and of the records of the proceedings of the board of taxes and assessments, certified to by one of the commissioners of taxes and assessments, or by one of the deputy commissioners of taxes and assessment, or by the secretary of the board of taxes and assessments, and under the common seal of the board of taxes and assessments, shall be admissible in evidence in all courts and places in the same manner and for the same purposes as books, papers or documents similarly authenticated by the clerk of a county.—As amended by Laws 1904, Chapter 375.

Deputy tax commissioners; how appointed; their duties.

Sec. 887. The board of taxes and assessments shall appoint persons to be known as deputy tax commissioners, not exceeding forty in number, who shall perform, under the direction and supervision of the board of taxes and assessments, such duties as the said board shall prescribe. The said board shall give such directions to the deputy tax commissioners as it shall think expedient to secure in all the boroughs and parts of the city equality of valuations of property for the purpose of taxation. The number of deputy tax commissioners above prescribed may from time to time be increased by the appointment of the board of taxes and assessments, provided such increase is authorized by the board of estimate and apportionment.

Apportionment of deputy tax commissioners among the boroughs.

Sec. 888. In making the appointments of the deputy tax commissioners the head of the department of taxes and assessments shall apportion such appointments, as nearly as may be, among persons residing in the several boroughs created by this act, according to the population of the several boroughs; and, after the first day of January, nineteen hundred and two, no person shall be appointed to the office of deputy tax commissioner unless he shall be at the time he is appointed and shall have been at least one year prior thereto an elector in the borough from which he is appointed. No deputy tax commissioner shall be assigned to assess property in any other borough than that from which he is appointed, except by the vote of the board of taxes and assessments, and in that case the reasons for such assignment shall be stated in the minutes of the board.—As amended by Laws 1905, Chapter 330.

Right of entry.

Sec. 888-a. The department may, by its officers and employees or others acting in its behalf, enter upon real property and into buildings and structures at all reasonable times to ascertain the character of the property.—Added by Laws of 1913, Chapter 324.

Deputy tax commissioners; duties of in assessing taxable property.

Sec. 889. It shall be the duty of the deputy tax commissioners, under the direction of the board of taxes and assessments, to assess all the taxable property in the several districts that may be assigned to them for that purpose by said board, and they shall furnish to the said board, under oath, a detailed statement of all such property, showing that said deputies have personally examined each and every house, building, lot, pier, or other assessable property, giving the street, lot, ward, town and map number of such real estate embraced within said districts together with the name of the owner or occupant, if known; also the sum for which, in their judgment, each separately assessed parcel of real estate under ordinary circumstances would sell if it were wholly unimproved; and separately stated, the sum for which under ordinary circumstances, the same parcel of real estate would sell with the improvements, if any, thereon; with such other information in detail relative to personal property or otherwise, as the said board may, from time to time, require. Such deputies shall commence to assess real and personal estate on the first day in April in each and every year not a Sunday or a legal holiday.—As amended by Laws of 1911, Chapter 455.

Sec. 889-a. A building in course of construction, commenced since the preceding first day of October and not ready for occupancy, shall not be assessed. [Added by Laws of 1913, chap. 324.]

Offices of the department in the boroughs.

Sec. 890. There shall bo an office of the department of taxes and assessments in the borough of Brooklyn, a like office of the department in the borough of Queens, a like office of the department in the borough of Richmond, and a like office of the department in the borough of The Bronx; at which the duties of the department of taxes and assessments pertaining to the assessment of property in the said several boroughs shall, under the direction of the board of taxes and assessments, be performed by such number of the deputy tax commissioners or other employes of the department of taxes and assessments as the said department may decide to be necessary and assign to such duties. Such offices shall in law be a part of the main office, and the main office of the department of taxes and assessments shall be maintained in the borough of Manhattan. The books, maps, assessments, rolls, files and records pertaining to the department of taxes and assessments of the municipality heretofore designated as the mayor, aldermen and commonalty of The City of New York, of the department of assessment of the city of Brooklyn and of each and every of the like offices in any of the municipal and public corporations, or parts of municipal and public corporations consolidated by this act with the municipal corporation of the mayor, aldermen and commonalty of The City of New York, shall be delivered into and thereafter be in the custody and control of the department of taxes and assessments hereby constituted, to be kept in such of the offices of the said department as may be most convenient to the taxpayers and suitable to the proper discharge of the business of such department, and shall be public records, and at all reasonable times open to public inspection.

Surveyor.

Sec. 891. The said department of taxes and assessments shall appoint a surveyor, whose duty it shall be to make the necessary surveys and corrections of the ward maps, and also to make all new maps which may be required for the more accurate assessment of real estate within the territory consolidated by this act with the municipal corporation known as the mayor, aldermen and commonalty of the city of New York. He shall have such assistants as the said department may decide to be necessary and provide.—As amended by Laws of 1916, Chap. 491.

Block map of taxes and assessments. Form of annual record.

Sec. 891-a. 1. There shall be prepared under the direction and supervision of the commissioners of taxes and assessments of the city of New York, in so far as it has not heretofore been prepared under the provisions of chapter five hundred and forty-two, laws of eighteen hundred and ninety-two, a land map of the city to be known and designated as "the block map of taxes and assessments of the city of New York," upon which shall be exhibited under sections, and section numbers and block and block numbers the separate lots or parcels of land owned or taxed within each of the city blocks; each lot or parcel of land shown on such map to be designated thereon by lot numbers, and which lot numbers shall correspond as far as may be with the ward numbers of said lots or parcels and shall commence in each block with number one, and continue numerically upwards, for as many such lots or parcels as shall be comprised within each block.

2. When the said block map of taxes and assessments shall be completed the same shall be certified by said commissioners and shall be filed in their office. Of this map three copies shall be made and certified as aforesaid, one for the use of the department of taxes and assessments; another copy thereof for use in the finance department of said city; and the other copy thereof for use in the department of water supply, gas and electricity.

3. After the said map is so certified and filed the said commissioners may from time to time change the form of the sections and blocks and also the numbers thereof whenever such change of form has been caused by proper authority, and there shall thereafter be delineated and entered upon said maps such new or additional sections and blocks and their numbers as necessity may require. And the said commissioners may from time to time after the said map has been certified and filed change the form of the lots or parcels comprised within any block, and also the numbers thereof, and may cause to be exhibited on said map the separate lots or parcels of land contained in any new block added to said map, and also the lot numbers thereof upon the general plan hereinbefore provided for.

4. Upon the certification and filing of said map as aforesaid, the same shall be substituted for use in the office of said commissioner in place and stead of the map theretofore in use therein; and the annual record of the assessed valuation of real and personal estate in said city shall thereafter be prepared under the direction and supervision of the said commissioners, so that the entries therein of all taxes and assessments laid or levied on land in said city shall be under sections and block headings as may be most convenient and suitable for use in connection with said block map; and the said "annual record" shall otherwise be of such general form and plan as the said commissioners may direct.—As added by Laws of 1916, Chap. 491.

Tax maps; identification of real property thereon.

Sec. 891-b. Each separately assessed parcel shall be indicated either by a parcel number or by an identification number. Parcel numbers shall designate each parcel by the use of three or more numbers of which one shall be a section or ward number, another a block, district or plot number, and another a lot number.

Each separately assessed parcel indicated by an identification number shall be shown by a separate map, or by a description or by a map and description. A separate identification number shall be entered upon the tax maps in such manner as clearly to indicate each separately assessed parcel of real property not indicated by parcel numbering. Real property indicated by a single identification number shall be deemed to be a separately assessed parcel.

The department may maintain as tax maps the maps heretofore prepared, certified and filed under the provisions of chapter five hundred and forty-two of the laws of eighteen hundred and ninety-two, which maps may be altered by the department as provided in subdivision three of section eight hundred and ninety-one-a.—As amended by Laws of 1916, Chap. 491.

Annual record of assessed valuation; what to contain and when to be open for examination and correction.

Sec. 892. There shall be kept in the several offices established by the department of taxes and assessments books to be called "the annual record of the assessed valuations of real and personal estate of the borough of ——," in which shall be entered in detail the assessed valuation of such property within the limits of the several boroughs of The City of New York as established by this act. In such books the assessed value of real estate shall be set down in two columns; in the first column shall be given, opposite each separately assessed parcel of real estate, the sum for which such parcel under ordinary circumstances, would sell if wholly unimproved; and in the second column shall be set down the sum for which the said parcel under ordinary circumstances, would sell, with the improvements, if any, thereon. The annual record of the assessed valuation of real property shall be open for public inspection, examination and correction from the first day in October not a Sunday or a legal holiday until the sixteenth day of November in each year, and the annual record of the assessed valuation of personal estate shall be open for public inspection, examination and correction from the first day in October not a Sunday or a legal holiday until the first day of December in each year, but on the said respective days the same shall be closed to enable the board of taxes and assessments to prepare assessment-rolls of the several boroughs for delivery to the board of aldermen. The said board, previous to and during the time the said books are open as aforesaid for inspection, shall advertise the fact in the City Record and in such other newspaper or newspapers published in the several boroughs created by this act as may be authorized by the Board of City Record. The taxable status of all persons and property assessable for taxation in The City of New York shall be fixed for each year on the day of October in the preceding year provided by law for the opening of the books of the annual record of the assessed valuation of real and personal estate of that year.—As amended by Laws of 1911, Chapter 455.

Apportionment of assessments after the first day in October; notice.

Sec. 892-a. When prior to the first day of February, any separately assessed parcel of real estate shall have been divided the board of taxes and assessments may apportion the assessment thereof in such manner as they shall deem to be just and equitable and forthwith cause the assessment to be canceled and new assessments, equal in the aggregate to the canceled assessment, to be made on the proper books or rolls, and within five days thereafter shall cause written notice of the new assessments to be mailed to the owners of record of the real estate so assessed at their last known residence or business address and an affidavit of the mailing of such notice to be filed in the main office. When such notice is mailed after the twenty-fifth day of October such owners of real estate may apply for correction of such assessments within twenty days after the mailing of such notice with the same force and effect as if such application were made on or before the fifteenth day of November in any year.—As amended by Laws of 1911, Chapter 455.

Annual record of assessed valuation of real and personal estate of corporations to be kept in main office.

Sec. 893. The department of taxes and assessments shall cause to be prepared and kept in the main office of the department of taxes and assessments, books to be called "The annual record of the assessed valuations of real and personal estate of corporations," and it shall be the duty of the deputy tax commissioners in the several districts in the several boroughs which may be assigned to them for that purpose by the board of taxes and assessments, to furnish to the department of taxes and assessments, under oath at their main office, at the time that such statement is filed in any office of the department of taxes and assessments in any borough other than in the main office in the borough of Manhattan, a duplicate detailed statement of the assessable property of corporations, both real and personal, which said statements of said deputy tax commissioners shall be entered upon the books to be kept in the main office of the department of taxes and assessments to be known as the "annual record of the assessed valuation of real and personal estate of corporations."

Assessed valuation of personal property; how to be entered.

Sec. 894. The assessed valuation of all personal property shall be entered by said deputy tax commissioners, or by such other persons as may be assigned to that duty by the department of taxes and assessments in the several offices, in books, or rolls, in alphabetical order, of the names or persons and corporations subject to taxation. No tax or assessment shall be void by reason of the name of the rightful owner or owners, whether individuals or corporations, of real estate in any of the said boroughs not being inscribed in the assessment rolls or lists; but in such case no tax shall be collected except from the real estate so assessed. The assessed valuation of all real and personal property of corporations shall be entered in duplicate in the office in the borough where the same is assessed and in the main office of the department of taxes and assessments in the borough of Manhattan. If at any time prior to the first day of January in any year, it shall appear to the tax commissioners that a person assessed for taxation on personal estate on the books or rolls of one borough should have been assessed therefor on the books or rolls of another borough they shall forthwith cause the assessment to be canceled and a new assessment to be made on the proper books or rolls, and

within five days thereafter shall cause written notice of the new assessment to be mailed to such person at his last known residence or business address within The City of New York, and an affidavit of the mailing of such notice to be filed in the main office. The person so notified may apply for correction of such assessment on or before the twentieth day of January with the same force and effect as if such application were made on or before the thirtieth day of November in any year.—As amended by Laws by Laws of 1911, Chapter 455.

Power of board to add names.

Sec. 894-a. So long as the books of annual record of the assessed valuation of real and personal estate of the several boroughs remain open for public inspection, examination and correction, the board of taxes and assessments, after giving at least ten days prior personal notice to the party in interest, may add to the rolls of assessment of such annual record any real estate, or the name of the owner of any personal estate, and also the assessed valuation of any such real or personal estate that may have been omitted from such rolls on the day of the opening of such books.—Added by Laws 1906, Chapter 207.

Applications for correction of assessment.

Sec. 895. During the time the books shall be open to public inspection as aforesaid application may be made by any person or corporation claiming to be aggrieved by the assessed valuation of real or personal estate, to have the same corrected. If such application be made in relation to the assessed valuation of real estate, it must be made in writing, stating the ground of objection thereto. The board of taxes and assessments shall examine into the complaint, as herein provided, and if in their judgment the assessment is erroneous they shall cause the same to be corrected. If such application be made in relation to the assessed valuation of personal estate, the applicant shall be examined under oath by a commissioner of taxes and assessments or by an assistant commissioner, or assistant to a commissioner, or by a deputy tax commissioner, as herein provided, who are hereby authorized to administer such oath, and if the assessment as hereinafter provided be determined by the board of taxes and assessments to be erroneous, it shall cause the same to be corrected and fix the amount of such assessment as the board of taxes and assessments may believe to be just, and declare its decision upon and application within the time and in the manner hereinafter provided. But the commissioners of taxes and assessments may, during the last fifteen days of the month of November and during the months of December and January in any year, act upon applications, examine applicants under oath and take other testimony thereon, for the reduction of assessments upon either real or personal property filed in their offices on or before the fifteenth day of November preceding as to real estate, and on or before the thirtieth day of November preceding as to personal estate, and cause the amount of any assessment as corrected by the board of taxes and assessments to be entered upon the assessment rolls for the year for which such correction is made. [Added by Laws of 1913, chap. 324.]

When assessed valuation may be increased or diminished.

Sec. 896. The board of taxes and assessments may increase at any time before the sixteenth day of November as to real estate, and before the first day of December as to personal estate in each year, or may diminish at any time before the first day of December in each year, the assessed valuation of any real or personal estate of any individual or corporation as in its judgment may be just or necessary for the equalization of taxation; but it shall not increase such valuations of the property of any individual or corporation after said books are opened for correction and review, except upon notice given to the individual or corporation affected by such increase at least ten days before the fifteenth day of December in each year.—As amended by Laws of 1911, Chapter 455.

Power of board of taxes and assessments to remit or reduce taxes.

Sec. 897. The board of taxes and assessments is hereby invested with power to remit or reduce where lawful cause therefor is shown. It may remit or reduce if found excessive or erroneous a tax imposed upon real or personal property. It shall require a majority of the commissioners of taxes and assessments to remit or reduce the assessed valuation of personal property, and no tax on personal property shall be remitted, canceled or reduced, except to correct clerical errors, unless the person aggrieved shall satisfy the board of taxes and assessments that illness or absence from the city had prevented the filing of the complaint or making the application to the said board within the time allowed by law for the correction of taxes. Any remission or reduction of taxes upon the real estate of individuals or corporations must be made within one year after the delivery of the books to the receiver of taxes for the collection of such tax. After the expiration of one year from the delivery of the books to the receiver of taxes, the comptroller, with the written approval of the board of taxes and assessments, may correct any erroneous assessment, or tax due to a clerical error, or to an error of description of any parcel of real estate, contained in the annual record of assessed valuations of real estate, and, if the taxes computed on said erroneous assessment have been paid, the comptroller is authorized to refund the difference between the taxes computed on the erroneous and the corrected assessments. [As amended by Chap. 592, Laws of 1915.]

Application for revision and cancellation of assessment in the several boroughs; when and how made.

Sec. 898. The board of taxes and assessments from the whole number of persons appointed as deputy tax commissioners, shall, for each of the boroughs wherein one of the offices of the department of taxes and assessments is established and maintained, designate one or more deputy tax commissioners, who shall, between the first day of October in each year and the sixteenth day of November following as to real estate, and the first day of December following as to personal estate, receive applications for the revision and cancellation of any assessments entered in the books of annual record of the assessed valuation of real and personal estate in that borough, take testimony on such applications and reduce the same to writing, and when so reduced to writing transmit such applications and testimony with his recommendation, to the board of taxes and assessments at its main office in the borough of Manhattan, or to any office of the department of taxes and assessments in any borough as the board of taxes and assessments may prescribe. Such deputy tax commissioners as may be designated for the purposes and as prescribed in this section are hereby authorized between the first day of October and the first day of December to administer oaths for the purpose of taking testimony upon all applications for the revision or cancellation of assessments, and they are hereby required and directed to transmit the evidence so taken and reduced to writing within ten days after the evidence upon any application is taken, with their recommendation, as hereinbefore described. The board of taxes and assessments shall hear at its main office all applications of corporations for revision and cancellation of assessments; and as to all other applications, the said board may prescribe the time and place of hearing thereof in the several boroughs and give such public notice thereof in the City Record and in at least one newspaper in each borough as it may designate, and the board may make such rules and regulations as may be appropriate and expedient to the end that the taxpayers of each borough, other than corporations, may have a hearing in the borough in which they reside or in which their property assessed is situated. All testimony taken by the board of taxes and assessments by any commissioner or by deputy tax commissioners, as herein prescribed, shall be reduced to writing and shall constitute part of the record of the proceedings upon any assessment. The decision of the board of taxes and assessments, upon any application for the revision, reduction or cancellation of any assessment and upon the evidence taken thereunder, shall, where the evidence is taken by the board of taxes and assessments, be rendered within thirty days after the hearing upon such application is closed, and in no case later than the first day of February. And where the evidence upon any application is taken by any commissioner or a deputy tax commissioner, the determination of the board of taxes and assessments shall be rendered within thirty days after the application and the testimony thereunder shall have been filed with the board of taxes and assessments at the main office of the department in the borough of Manhattan, and in no case later than the first day of February.—As amended by Laws of 1911, Chapter 455.

Deputy tax commissioners to make up aggregate amount of assessed valuations in the boroughs.

Sec. 899. It is hereby declared to be the duty of the deputy tax commissioners, or of such other persons as may have been assigned to the charge and direction of any one of the officers of the department of taxes and assessments in the several boroughs, to compute from the annual record of the assessed valuations of real and personal estate in each of the said several offices, the total aggregate amount of the assessed valuation of real and personal property appearing on said books for each of the said boroughs on the first day in October in any year not a Sunday or a legal holiday, and to transmit a statement of such aggregate amounts of assessed valuations of real and personal property in the said several boroughs to the department of taxes and assessments at its main office in the borough of Manhattan on or before the first day in October in each year not a legal holiday. The board of taxes and assessments is hereby vested with the power and charged with the duty before opening the books for public inspection as herein prescribed, to fix such valuations of property for the purposes of taxation throughout the city of New York, at such sums as will, in its judgment, establish a just and equal relation between the valuations of property in each borough and throughout the entire city. To this end the board of taxes and assessments is authorized to require the deputy tax commissioners to transmit a report to it of the assessed valuation of real and personal property in the several boroughs at such time prior to the first day in October in each year not a Sunday or a legal holiday as the board of taxes and assessments may prescribe.—As amended by Laws of 1911, Chapter 455.

Comptroller to submit to board of aldermen a statement showing the amounts necessary to be raised.

Sec. 900. For the purpose of enabling the board of aldermen to impose the annual taxes it shall be the duty of the comptroller of said city to prepare and submit to said board, at least one week before the first day of March in each and every year, a statement setting forth the amounts by law authorized to be raised by tax in that year, on account of the corporation of the city of New York, as hereby constituted, or for city purposes within said city as created by this act, and purposes for which said city is liable, and on account of the counties of New York, Kings, Bronx, Queens and Richmond, and also an estimate of the probable amount of receipts into the city treasury during the then current year from all the sources of revenue of the general funds, including surplus revenue from the sinking funds of the mayor, aldermen and commonalty of the city of New York and of any of the municipal and public corporations, or parts of municipal and public corporations by this act consolidated with the municipal corporation known as the mayor, aldermen and commonalty of the city of New York, other than the surplus of revenues of any such sinking funds for the payment of interest on the city debt of the municipal corporation known as the mayor, aldermen and commonalty of the city of New York, or the like debts of the municipal and public corporations by this act consolidated as aforesaid, and the said board of aldermen is hereby authorized and directed to deduct the total amount of such estimated receipts from the aggregate amounts of all the various sums which by law it is required to order and cause to be raised by tax in said year for the purposes aforesaid, and to cause to be raised by tax such sum as shall be as nearly as possible but not less than the balance of such aggregate amount after making such deductions, by fixing a tax rate in cents and hundredths of a cent upon each dollar of assessed valuation.—As amended by Laws of 1914, chap. 451.

Sec. 901. Repealed by Act of 1901.

How county charges and expenses in New York, Kings, Queens and Richmond counties are to be paid.

Sec. 902. In the statement submitted by the comptroller to the board of aldermen, as above provided in this chapter, he shall each year include and state specifically the sum or sums necessary to be raised to pay during the current year the salaries of the county officers and the other county charges and expenses in the counties of New York, Kings, Bronx, Queens and Richmond, respectively, and the board of aldermen is hereby authorized and directed to levy upon and collect from the taxable property within each of said counties respectively, the sum or sums so necessary to be raised to pay the salaries of county officers and other county charges and expenses of such county; to the end that each of such counties shall ultimately bear and pay all expenses necessary to be incurred within the county for county as distinguished from city purposes.—As amended by Laws 1914, chapter 450.

Permits for buildings, etc.; copies to be sent to the department of taxes and assessments.

Sec. 903. Whenever any permit shall be granted by the proper officer of the city government as created by this act for the erection of any building, pier or bulkhead within said city, a copy of such permit shall be within five days after its issue furnished by the officer granting the same to the department of taxes and assessments.

Exemptions.

Sec. 904. The exemption from taxation of every building for public worship, and every schoolhouse or other seminary of learning under the provisions of section four of the tax law, being chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, shall not apply to any such building or premises within the limits of The City of New York, as defined by this act, unless the same shall be exclusively used for such purpose, and be exclusively the property of a religious society.

Exemptions, continued.

Sec. 905. Nothing in this chapter shall affect any existing and valid exemptions from taxation heretofore created by law respecting any property, real or personal, within the limits of The City of New York, as constituted by this act, and where by pre-existing laws stock and bonds of any of the municipalities hereby consolidated were heretofore exempt within such municipalities from local taxation, the said stocks or bonds shall be exempt from all taxation by the said City of New York except for state purposes.—As amended by Laws of 1903, Chapter 210.

Certiorari to review final determination of the department.

Sec. 906. A certiorari to review or correct on the merits any final determination of the board of taxes and assessments shall be allowed by the supreme court or any justice thereof, directed to the commissioners of taxes and assessments on the verified petition of the party aggrieved, but only on the grounds which must be specified in such petition, that the assessment is illegal, and giving the particulars of the alleged illegality, or that it is erroneous by reason of overvaluation, or in case of real estate, that the same is erroneous by reason of inequality, in that the assessment has been made at a higher proportionate valuation than the assessment of other real estate of like character in the same ward or section or other real estate on the tax-rolls of the city for the same year, specifying the instances in which such inequality exists, and the extent thereof, and stating that he is or will be injured thereby. Such certiorari and all proceedings thereunder may be had and taken in the judicial district where such real estate is situated, and may be begun at any time before the first day of July following the time when the determination sought to be reviewed or corrected was made.—As amended by Laws of 1911, Chapter 455.

When assessment-rolls to be made and delivered to the board of aldermen.

Sec. 907. Beginning with the first day in December in each year not a Sunday or a legal holiday the board of taxes and assessments shall cause to be prepared from the books of annual record of assessed valuations of real and personal estate in the several offices of the department of taxes and assessments in the several boroughs, assessments rolls for each of said several boroughs, and shall, as soon as such rolls are completed, annex to each of said rolls its certificate that the same is correct in accordance with the entries in said several books of record. The rolls so certified must, on the first day of March in each year be delivered by the board of taxes and assessments to the board of aldermen, which shall meet at noon on that day at the city hall, or usual place of meeting, in the borough of Manhattan, for the purpose of receiving the same and for the purpose of performing such other duties in relation thereto as are prescribed by law; except that whenever said first day of March shall fall on Saturday, Sunday or a legal holiday, such rolls shall be delivered by said board of taxes and assessments on the next succeeding day thereafter not a Saturday, Sunday or legal holiday to the board of aldermen, which shall meet at noon on such next succeeding day, at the place and in the manner and for the purposes herein specified. In the event of the board of aldermen failing to meet to receive said rolls, the same may be delivered to the city clerk, with the same effect as if delivered to the board of aldermen.

The board of aldermen, however, shall meet not later than the third day in March which is not a Saturday, Sunday or a legal holiday to fix the annual tax rates. In determining such rates the board of aldermen shall fix each rate in cents and hundredths of a cent upon each dollar of assessed valuation.

Within three weeks after the delivery of the assessment rolls to the board of aldermen the board of taxes and assessments shall furnish to the supervisor of the City Record a copy of the annual record of the assessed valuation of real estate, omitting from the said annual record two columns headed respectively "size of house" and "houses on lot."—As amended by Laws of 1911, Chapter 455.

Meaning of the words "board of taxes and assessments" in this chapter; majority clause.

Sec. 908. Whenever any act is required or authorized to be done or any determination or decision made by the board of taxes and assessments, or any other body or board, then in the absence of express provision to the contrary, any such act, if done, or any such determination or decision, if made by a majority of the body or board shall, within the meaning of this act be held to be the act, determination or decision of the body or board.

Assessment rolls to remain in custody of Board of Aldermen.

Sec. 909. The tax or assessment rolls, when finally submitted to the board of alderman shall remain in its custody, but the president of the board may, by written permission, permit access to them, and he is hereby, in the name of the board of aldermen and as its act, authorized and directed to cause to be properly estimated and computed the taxes annually imposed, and cause the same to be properly set down or extended in the several assessment rolls or tax books, as required by the next section. It shall also be the duty of said president to cause the items of said taxes to be carefully added, and to set down the amount of the same therein; and when completed to deliver the tax books relating to real estate to the comptroller, in order that the unpaid water rents, and the expenses of meters, with their connections and setting, water rates and other lawful charges for the supply of water measured by meters of any preceding year may be entered therein. After such completion of the assessment rolls or tax books it shall be the duty of the city clerk to procure the proper warrants authorizing and requiring the receiver of taxes to collect the several sums therein mentioned according to law, and such warrants need be signed only by the president of the board of alderman, and countersigned by the city clerk, and immediately thereafter the president of the board of aldermen shall deliver the said assessment rolls, with the warrants aforesaid annexed thereto, to the receiver of taxes, at the same time notifying the comptroller of the amount of taxes in each book, in order that he may cause the proper sum to be charged to the receiver for collection.—As amended by Laws of 1911, Chapter 455.

Duties of boards of aldermen and of board of taxes and assessments respecting assessment-rolls.

Sec. 910. At such annual meeting the board of aldermen must set down in the assessment-rolls, opposite to the several sums set down as the valuation of real and of personal property, the respective sums, in dollars and cents, to be paid as a tax thereon, rejecting the fractions of a cent. They must also add up and set down the aggregate valuations of the real and personal property in the several boroughs, and must transmit to the comptroller of this state by mail a certificate of such aggregate valuations, showing separately the aggregate amount of the real and personal property valuations in each borough. The assessment-rolls shall be prepared and corrected by the board of taxes and assessments and be separate rolls for real estate and personal estate so classified, and so arranged with respect to number of columns and containing such entries as the board of taxes and assessments shall prescribe, sufficient to identify the property and persons assessed and to show each total assessed valuation. Real estate shall be described therein by the numbers by which such property is designated on the tax maps and in the annual record of assessed valuations

and such numbers shall import into the assessment-roll of real estate any necessary identifying description shown by the tax maps. [As amended by Laws of 1913, chap. 680.]

Corrected roll to be delivered to receiver of taxes.

Sec. 911. The board of aldermen must also cause the assessment-rolls of each borough, when corrected according to law, and finally completed, or a fair copy thereof, to be delivered to the receiver of taxes in and for the city on or before the twenty-eighth day of March, with the proper warrant or warrants annexed, signed by the president of said board and countersigned by the city clerk, directing and requiring him to collect from the several persons named in the assessment-rolls the several sums mentioned in the last column of such rolls, opposite to their respective names, and to pay the same from time to time, when so collected, to the chamberlain of the city.—As amended by Laws of 1911, Chapter 455.

Penalty for board of aldermen's neglect.

Sec. 912. If the board of aldermen shall willfully refuse or neglect to perform any of the duties required of them by the two preceding sections, each member so refusing or neglecting shall forfeit to The City of New York the sum of five hundred dollars, to be recovered in a civil action; and shall also be punishable for a misdemeanor, and upon conviction thereof shall forfeit his office.

Where taxes due and payable

Sec. 913. The receiver of taxes upon receiving the assessment rolls and warrants shall immediately cause the assessment-rolls and warrants for each of the several boroughs wherein he shall have an office, to be delivered at and filed in such office, and shall thereafter proceed to collect and receive said taxes from the several individuals and corporations assessed in the said assessment-rolls in the manner hereinafter prescribed.

Receiver of taxes to give public notice.

Sec. 914. The receiver of taxes shall immediately after he shall have received the assessment-rolls give public notice, for at least five days in the City Record and in such newspaper or newspapers published in the several boroughs as may be designated by the board of city record, or in default of any newspapers being published in any borough, in such newspaper or newspapers having a general circulation in such borough as the board of city record shall direct, that said assessment-rolls have been delivered to him and that all taxes shall be due and payable at his office in the said respective boroughs as follows:

All taxes upon personal property and one-half of all taxes upon real estate shall be due and payable on the first day of May and the remaining and final one-half of taxes on real estate shall be due and payable on the first day of November. All taxes shall be and become liens on the real estate affected thereby and shall be construed as and deemed to be charges thereon the respective days when they become due and payable as hereinbefore provided and not earlier and shall remain such liens until paid.

The second half of the tax on real estate which is due as hereinbefore provided on the first day of November following the payment of the first half, may be paid on the first day of May or at any time thereafter, providing the first half shall have been paid or shall be paid at the same time, and on such payments of the second half as may be made in such manner prior to November first a discount shall be allowed from the date of payment to November first at the rate of four per centum per annum.—As amended by Laws of 1916, Chap. 17.

Rebate for prompt payment.

Sec. 915. Repealed by Laws of 1908, Chapter 447, Sec. 2.

Interest on unpaid taxes.

Sec. 916. If any tax on personal estate or the first one-half of any tax on real estate shall remain unpaid on the first day of June, after it shall become due and payable it shall be the duty of the receiver of taxes to charge, receive and collect upon such tax so remaining unpaid on that day, interest upon the amount thereof, at the rate of seven per centum per annum, to be calculated from the day on which said taxes or such part thereof became due and payable, as provided by section nine hundred and fourteen of this act, to the date of payment; and such increase of percentage shall be paid over and accounted for by such receiver from time to time, as a part of the tax collected by him. If the final half of any tax on real estate shall remain unpaid on the first day of December, after it shall be due and payable, it shall be the duty of the receiver of taxes to charge, receive and collect upon such tax so remaining unpaid on that day, interest upon the amount thereof, at the rate of seven per centum per annum, to be calculated from the day on which said final half of said tax became due and payable, as provided by section nine hundred and fourteen of this act, to the date of payment; and such increase of percentage shall be paid over and accounted for by such receiver from time to time, as a part of the tax collected by him.—As amended by Laws of 1911, Chapter 455.

Idem; how collected.

Sec. 917. It shall be the duty of the said receiver, in person or by his deputies, to charge, collect and receive upon all taxes or portions thereof remaining unpaid on and after the first days of June and December, respectively, as provided in section nine hundred and sixteen of this chapter, interest at the rate of seven per centum per annum to be calculated from the days on which the respective parts of said taxes become due and payable as provided by section nine hundred and fourteen of this act.—As amended by Laws of 1911, Chapter 455.

Secs. 918 and 919 repealed by Laws 1911, Chapter 455.

Undivided parts of taxes; payment of.

Sec. 920. If a sum of money in gross has been or shall be taxed upon any lands or premises, any person or persons claiming any divided or undivided part thereof may pay such part of the sum of money so taxed, also of the interest and charges due or charged thereon, as the said controller may deem to be just and equitable. The department of taxes and assessments shall apportion the assessed valuation of such lands or premises when requested by the controller so to do, and shall certify such apportionment to him. The determination of the said controller shall be based upon such apportionment so certified. The remainder of the sum of money so taxed, together with the interest and charges, shall be a lien upon the residue of the land and premises only, and the tax lien upon such residue may be sold to satisfy such tax, interest or charges thereon, in the same manner as though the residue of said tax had been imposed only upon such residue of said lands or premises.—As amended by Laws 1908, Chapter 490.

Corporations, tax for; how collected.

Sec. 921. The said receiver of taxes shall proceed in enforcing and collecting and payment of taxes against corporations or associations and their officers and directors, or trustees, in the same manner as against individuals; such taxes shall be paid out of the funds of the company and shall be ratably deducted from the dividends of those stockholders whose stock was taxed, or shall be charged upon such stock, if no dividends be afterward declared.

Daily statement of taxes received to be rendered to chamberlain.

Sec. 922. The receiver of taxes shall enter into suitable books, to be kept by him for that purpose, the sums received by him for taxes, and at the expiration of the office hours for each day, and before three o'clock thereof, shall render a statement of the same to the chamberlain and at the same time on each day pay over to said chamberlain the amount received on such day; he shall also thereupon receive from the said chamberlain a voucher for the payment of such sums, which he shall forthwith, on the same day, exhibit to the comptroller of the said city. But the duty by this section imposed may, in respect to the borough of Brooklyn, be discharged by the deputy receiver of taxes and the deputy chamberlain located in the borough of Brooklyn, and likewise by similar deputy officers for the borough of The Bronx, the borough of Queens, and the borough of Richmond.

Receiver's account of taxes received; how to be kept.

Sec. 923. It shall be the duty of the receiver, and of deputy receivers, from time to time to enter in a column to be made for that purpose, upon the assessment-rolls in his possession, opposite to the names of the persons mentioned therein, and who shall pay their tax, as aforesaid, to the receiver of taxes, personally or by deputy, the fact of such payment, the amount thereof, and the day when paid, and to enter into suitable books, to be kept for that purpose, on each day such payment and the names of the parties respectively on whose account the same were paid; and at the expiration of the office hours, and on the same day, he shall furnish to the comptroller of the said city, personally or by deputy, a detailed statement of such sums of the borough for which received, and the names of the parties respectively on whose account the same have been paid, which shall be filed by the said comptroller in his office. The comptroller, shall, on each day, immediately after receiving from said receiver or deputy the statement, compare the same with a voucher furnished to him by the chamberlain for the payment thereof to the chamberlain, and if the aggregate amounts thereof shall correspond, shall credit the said receiver of taxes in his books with such amount.

Penalty for failure to report to chamberlain.

Sec. 924. If the receiver of taxes, or any deputy receiver shall on any day, omit or neglect to furnish to the chamberlain or to the comptroller, respectively, the statements and vouchers required by law, or to make the daily payments hereinbefore prescribed, it shall be the duty of the comptroller forthwith to suspend from office the party delinquent. In case of such suspension, the comptroller shall appoint a suitable person to perform the duties of the officer so suspended, who shall continue to act as such officer, with all the powers conferred upon him by this title, until the parties suspended shall be restored, or another person shall have been appointed. On making such temporary appointment, the comptroller shall be required to take from the party so appointed a bond, with two sufficient sureties, to be approved by the chamberlain, and filed with the said comptroller, in such penal sum as the said chamberlain may deem just, conditioned for the faithful performance of the duties of the office during the continuance of the person so appointed therein; and all the provisions of this title prescribing the duties of the receiver of taxes, and the deputy receiver, shall apply to the person or persons so appointed in their stead by the comptroller.

Provision in case of sickness.

Sec. 925. In case of inability of the receiver to perform the duties of his office by reason of sickness or absence from

the city, the comptroller shall designate some suitable person to perform the duties of his office during such inability or absence, and shall, in his discretion, take from such person a bond, with sufficient sureties, in the manner prescribed in the preceding section.

Collection of unpaid personal tax by distress and sale.

Sec. 926. It shall be lawful for the said receiver, if any tax for personal property and the interest thereon, as hereinbefore provided, shall remain unpaid on the fifteenth day of the month of August, succeeding the receipt by him of the rolls, to issue his warrant under his hand and seal directed to any marshal commanding him to levy the said tax, with interest thereon, at the rate of seven per centum per annum from the day on which said taxes became due and payable as provided by section nine hundred and fourteen of this act to the time when the same shall be paid by distress and sale of the goods and chattels of the person against whom the said warrant shall be issued, or of any goods and chattels in his or her possession, wheresoever the same shall be found within the said city and to pay the same to the said receiver and return such warrant within thirty days after the date thereof. For the purposes of this section the jurisdiction of the marshal is coextensive with the city of New York. The comptroller of the city of New York, however, may from time to time as may be necessary to insure prompt collection of said tax, extend or renew such warrant, but no single extension or renewal thereof shall in any event exceed sixty days. (As amended by Chapter 600, Laws of 1915.)

Id.; may add costs of distress and sale.

(See Code of Ordinances Library.)

Sec. 927. In all cases where the said receiver shall proceed by distress and sale of the goods and chattels of any person for the payment of any tax due and payable, it shall be lawful for him to authorize and empower the officer making such distress and sale to collect, in addition to the tax and the interest thereon, the costs of such distress and sale, which costs shall be in addition to any disbursements five cents for every dollar collected to the amount of one hundred dollars, and two and one-half cents for every dollar collected over one hundred dollars.

Id.; sale to be advertised.

Sec. 928. The marshal to whom a warrant for the collection of any tax is issued shall give public notice at the time and place of sale of any property distrained by virtue thereof, and the property to be sold, at least six days previous to the sale, by advertisements to be posted up in at least three public places in the ward where such sale shall be made. The sale shall be by public auction.

Id.; disposition of surplus.

Sec. 929. If the property distrained shall be sold for more than the amount of the tax, the surplus shall be returned to the person in whose possession such property was when the distress was made, if no claim be made to such surplus by any other person. If any other person shall claim such surplus, on the ground that the property sold belonging to him, and such claim be admitted by the person for whose tax the same was distrained, the surplus shall be paid to such owner; but if such claim be contested by the person for whose tax the property was distrained, the surplus moneys shall be retained by the said marshal until the rights of the parties shall be judicially determined.

Secs. 930, 931. Repealed by Act of 1901.

Id.; cases to be sent to corporation counsel.

Sec. 932. It shall be the duty of the receiver of taxes to send or cause to be sent to the corporation counsel, monthly, all cases of personal taxes embraced in the assessment rolls, when the assessment is one thousand dollars or more, and upon which a warrant to any of the marshals of said city has been issued and unsatisfied for a period of sixty days or returned unsatisfied in whole or part, and of all other cases of personal taxes except in those cases where the comptroller may extend the warrant, when application to any court may be made for the collection of the tax, and the said counsel is authorized to make requisitions upon the said receiver for all such cases.

Id.; duties of corporation counsel.

Sec. 933. The corporation counsel shall be charged with the prosecution of all suits or proceedings, in any court having jurisdiction, for the collection of all cases of personal taxes sent to him by the receiver of taxes, or where, by any law of this state, any suit or proceeding may be instituted by such receiver, or any marshal acting under a tax warrant, in any court for the collection of any tax on personal property, and shall, subject to such control, act as counsel to the receiver of taxes, and to any marshal acting under the warrant of said receiver in the collection of any tax for personal property. The imposition of costs in such cases shall be discretionary with the court.—As amended by Laws 1908, Chapter 12.

Court to dismiss proceedings if satisfied that taxes on personal property cannot be paid.

Sec. 934. The court in which any suit or proceeding may be commenced to enforce the payment of any tax for personal property, may, on motion of either party, dismiss the suit or proceedings absolutely without costs, or conditionally, upon the payment of costs, or may, on the facts, in its discretion, dismiss such suit or proceedings on the payment of such part of the tax and costs as shall be just, in any case where it shall be satisfied that the person or persons taxed are unable for want of property, or other reason, to pay any tax or have an equitable defense to such suit or proceeding. In cases where any suits or proceedings shall be dismissed under this section, on payment of a portion of the tax, a copy of the order of the court shall be filed with the receiver of taxes, and a note of the contents of such order entered upon the assessment roll, and it shall be the duty of said counsel to report all cases dismissed on account of the inability of the person to pay the tax to the commissioner of taxes and assessments, annually, on the thirty-first day of December in each year; and said commissioner is hereby authorized to strike the names of all such persons from the assessment rolls for the succeeding year. All suits or proceedings for the collection of personal taxes sent to the corporation counsel by the receiver of taxes must be commenced within one year from the date of the return by the marshal of the warrant to enforce the payment of such tax.—As amended by Laws 1904, Chapter 624.

Counsel to keep register, etc.

Sec. 935. The corporation counsel shall keep in proper books to be provided by the corporation of said city for that purpose, a register of all actions or proceedings prosecuted, and upon the expiration of his term of office or his resignation thereof or removal therefrom, the corporation counsel shall deliver to his successor in office all books and papers in his hands belonging to his office, or delivered to him by the receiver of taxes, or any marshal of said city, and in any way connected with his office, or any business pertaining thereto. The said counsel or any marshal shall pay over, under oath, to the receiver of taxes of said city, monthly, or oftener, if required, all taxes collected by him.

Receiver; when may sue for personal taxes.

Sec. 936. Any tax duly imposed for personal property upon any person or corporation in The City of New York, which shall remain unpaid and in arrears on the fifteenth day of January succeeding the year in which it shall have been imposed, may be recovered with interest and costs, by the receiver of taxes of said city in the name of the city, in an action in any court of record in this state.

Unpaid taxes and assessments, levied prior to January first, eighteen hundred and ninety-eight; special provision.

Sec. 937. All taxes, assessments and water rates levied before the first day of January, eighteen hundred and ninety-eight, by lawful authority, in any of the municipal and public corporations hereby consolidated, including the counties of Kings and Richmond, and that part of the county of Queens included in The City of New York as hereby constituted, and which shall remain due and unpaid and have or may become arrears of taxes, assessments or water rates, as provided by the laws relating to either of the municipal and public corporations hereby consolidated, shall become and be due and payable to and collectible by said city, and all tax and assessment lists relating to said unpaid taxes, assessments and water rates in the possession of any officer of any said municipal and public corporations and counties hereby consolidated, shall be transmitted to and deposited with the comptroller or his duly authorized representative. All such lists shall thereupon be transmitted by the comptroller to the collector of assessments and arrears, to be collected by him, or by one of his deputies in accordance with the provisions of this act.—As amended by Laws 1912, Chapter 461.

Assessments payable in installment; how payable.

Sec. 938. Where by any laws in force on December thirty-first, eighteen hundred and ninety-seven, assessments for local improvements are made payable in installments or collectable in or with the tax levy of any year, said installments when levied from time to time, shall be collected by the collector of assessments and arrears or by one of his deputies, under and pursuant to the laws relating to the collection of such assessments in force on said thirty-first day of December, eighteen hundred and ninety-seven and applicable thereto.—Added by Laws 1904, Chapter 71.

TITLE 2.

ASSESSMENTS FOR LOCAL IMPROVEMENTS OTHER THAN THOSE CONFIRMED BY A COURT OF RECORD.

Assessments; term, how construed.

Sec. 942. The word assessment, wherever used in this title and in the next succeeding one, shall be construed to mean an assessment for any local improvement which may be lawfully confirmed in any other manner than by a court of record.

Mayor to appoint a board of assessors; salary; subordinates.

Sec. 943. The mayor shall appoint three persons, who shall constitute the board of assessors. The said board shall be charged with the duty of making all assessments, other than those required by law to be confirmed by a court of record, for local improvements for which assessments may be legally imposed in any part of the city of New York as hereby constituted. The said board shall appoint a secretary and such clerks and subordinates as may be necessary.—As amended by Laws of 1916, Chapter 516.

The board of revision of assessments.

Sec. 944. The comptroller, corporation counsel and president of the department of taxes and assessments shall constitute the board of revision of assessments. The said board, or a majority thereof, shall have and perform all the powers and duties relative to the revision, correction and confirmation of assessments specified in the various laws and ordinances relating to assessments in any part of The City of New York, as hereby constituted, other than assessments made by commissioners appointed by a court of record, and other than those confirmed by the

board of assessors; said board shall have power to consider, on the merits, all objections made to any such assessment, and to subpoena and examine witnesses in relation thereto, and to confirm said assessment, or to refer the same back to the board of assessors for revisal and correction in such respects as it may determine. The revision of such assessments shall be made without delay, so that unless the same are referred back for revisal and correction they shall be confirmed within thirty days from the time they shall, respectively, be presented for confirmation, and if not so confirmed or referred back they shall be deemed to be confirmed at the expiration of thirty days from the time they shall be, respectively, so presented for confirmation. All such assessments, immediately upon confirmation, shall be transmitted to the comptroller for entry and collection.

Powers of the two boards.

Sec. 945. In addition to the powers herein specifically conferred upon the board of assessors and the board of revision, the said boards shall have and exercise, as to the whole territory embraced in The City of New York, each and every power and authority conferred upon and exercised by the board of assessors, and the board of revision and correction of assessments, respectively, of the corporation heretofore known as the mayor, aldermen and commonalty of The City of New York.

Certificates on which assessments are made.

Sec. 946. All assessments shall be made by the board of assessors on the following certificates, to wit:

1. The officer or head of the board or department charged with the execution of the work in question, shall certify to the board of assessors the total amount of all the expenses which shall have been actually incurred by the city of New York on account thereof, excepting, however, that there shall be omitted from such expenses all charges, if such there be, for altering, removing or relocating water mains, pipes or appurtenances in actual use by the department of water suply, gas and electricity, as part of the water distribution system of the city of New York.

2. The comptroller shall certify to the board of assessors the amount of the interest, at the legal rate, upon the several installments advanced or payments made on account of such work, from the time of such payment or advance, by the city, to a day sixty days after the date of such certificate. Thereafter the board of assessors shall assess upon the property benefited, in the manner authorized by law, the aggregate amount of such certificates, or such proportion thereof, as is authorized by law, and the said board shall not in any way be enjoined, restrained, hindered or delayed in the performance of this duty, provided that nothing contained in this section shall be construed to affect the powers of the board of revision of assessments.

Sec. 947. The assessors shall in no case assess any house or lot, improved or unimproved lands, more than one-half the fair value of such house, lot, improved or unimproved lands, nor shall they in any case assess any house or lot, improved or unimproved lands, for the cost of altering, removing or relocating water mains, pipes or appurtenances in actual use by the department of water supply, gas and electricity, as part of the water distribution system of the city of New York.—As amended by Laws of 1916, Chap. 501.

Assessments not to exceed one-half the valuation.

Sec. 947. The assessors shall in no case assess any house or lot, improved or unimproved lands, more than one-half the fair value of such house, lot, improved or unimproved lands, at the time of the confirmation of the assessment.—As amended by Laws of 1916, Chap. 516.

Paving and Repaving of Streets; Character of Materials; and Method of Payment Therefor.

Sec. 948. Street pavements laid to be paid for, wholly or in part, by assessment shall be divided into two classes, namely: permanent pavements, and preliminary pavements. The board of estimate and apportionment, as to pavements which shall be laid hereafter, shall, from time to time, designate the kinds of pavements to constitute each class. Pavements which were laid or authorized between January first, eighteen hundred and ninety-eight, and June twentieth, nineteen hundred and ten, the cost of which was assessed upon the property deemed to be benefited, and pavements, the cost of which was paid for by assessment, or by the owners of the adjoining property, or by local taxation, or by bond issues paid by the locality prior to January first, eighteen hundred and ninety-eight, shall be deemed to be permanent pavements. Pavements laid at private expense upon legally established grades and according to the plans and specifications then in use for permanent pavements generally, in the borough in which they are laid under the supervision of the borough authorities, and accepted in behalf of the city by a resolution of the board of estimate and apportionment prior to June twentieth, nineteen hundred and ten, shall be deemed permanent pavements; pavements laid since said date or hereafter laid at private expense but laid upon legally established grades and according to plans and specifications then in use for permanent pavements generally in the borough in which they are laid, under the supervision of the borough authorities and accepted in behalf of the city by a resolution of the board of estimate and apportionment shall be deemed permanent pavements, if such pavements shall be one of the pavements classified as permanent pavements by such board subsequent to April eighteen, nineteen hundred and twelve; all other pavements laid since June twentieth, nineteen hundred and ten, and hereafter laid at private expense but laid upon legally established grades and according to plans and specifications then in use for temporary pavements generally in the borough in which they are laid under the supervision of the borough authorities, and accepted in behalf of the city by a resolution of the board of estimate and apportionment shall be deemed preliminary pavements if such pavements shall be one of the pavements classified as preliminary pavements by such board subsequent to April eighteenth, nineteen hundred and twelve. No street, or portion thereof, that shall have been paved with a pavement deemed a permanent pavement or that hereafter may be paved with a permanent pavement paid for wholly by assessment shall be repaved at the expense of the adjoining property owners, unless a majority of the owners of the property on the line of the proposed improvement shall petition for such repaving at their expense by assessment.

Whenever a street paved with a preliminary pavement or with a pavement deemed a preliminary pavement shall be repaved, the repaving shall be done with a permanent pavement, unless owners of property on the line of the proposed improvement petition the local board having jurisdiction for a second preliminary pavement, to be laid at the expense, by assessment, of the adjoining property owners, and in such event a second preliminary pavement shall be laid if said local board so orders, and the board of estimate and apportionment consents. Whenever a permanent pavement shall be laid to replace a preliminary pavement laid, in whole or in part, at the expense of the property owners by assessment or to replace a permanent pavement laid at the expense, in part only, of the property owners by assessment and the cost of the replacing pavement shall exceed the amount assessed upon the property deemed to have been benefited for the pavement replaced, the excess of such cost shall be assessed upon the property deemed to be benefited, and the balance of the cost of the replacing pavement shall be borne and paid by the city; but in no case shall the cost of a second or subsequent preliminary pavement be so deducted from the amount to be assessed for the laying of a permanent pavement. The class of a pavement shall not be changed after the same is laid. The kind of pavement hereafter to be laid by assessment on any street shall in all cases be determined by the local board having jurisdiction and the board of estimate and apportionment.

Nothing herein contained shall be construed to relieve or release the owners of property, grantees of the city of New York, or of any of the corporations consolidated to form the said city, of or from any covenants to pave or repave or otherwise physically to improve such street. [As amended by Chap. 591, Laws of 1915.]

How property shall be described by the assessors.

Sec. 949. In all cases the assessors shall describe in the assessment the property assessed by the same ward or block numbers, or other designations as shall be used to designate the said property on the tax books of the city of New York, or such description as will clearly show the property assessed. They shall also describe the houses and lots assessed by their street number, if any. The assessors shall also state the name of the owner or owners and occupant or occupants, if they be known to the assessors, and it shall be their duty to ascertain, as far as may be, by inquiry from the commissioners of taxes and assessments or others, such ownership and occupation, and such commissioners shall afford the requisite information.—As amended by Laws of 1916, Chap. 516.

Local Assessments for Cost of Exterminating Mosquitoes in Certain Boroughs.

Sec. 949-a. The cost and expense of the construction of drains upon or of other improvements to low or wet lands in the boroughs of Brooklyn and Queens, for the elimination of mosquitoes, by the board of health, shall be borne by the property benefited within an area of benefit to be fixed by the board of assessors, or such portion of the amount of such cost and expense as the board of health may determine and certify to the board of assessors. Assessments therefor shall be made by such board of assessors as provided in chapter seventeen of this act. [As added by Chap. 524, Laws of 1915.]

Notice of completion of assessments to be given.

Sec. 950. It shall be the duty of the board of assessors, when it has completed any proposed assessment, to give notice of the fact and that it is proposed to lay the same to the owner or owners; such notice shall be published daily in the City Record and the corporation newspapers for at least ten days successively. The notice shall describe the limits within which it is proposed to lay the said assessment, and shall contain a request for all persons whose interests may be affected thereby, and who may be opposed to the same, to present their objections in writing, to the secretary of the board of assessors within thirty days from the date of such notice, and specifying a time and place after the expiration of the said thirty days when and where the said objections will be heard and testimony received in reference thereto if after hearing and examining such objections and testimony the assessors shall not deem it proper to alter their assessment or having altered it there shall still be objections to the same, it shall be their duty to present such objections with the proposed assessment to the board of revision of assessments. If no objections shall be received, or if the board of assessors shall after the assessment so as to satisfy the objectors said board shall forthwith declare the said assessment confirmed, and shall transmit the same to the comptroller for entry and collection. An assessment so confirmed shall be of the

same force and effect as if confirmed by the board of revision of assessments.

Award of damages to land and buildings by reason of grading of streets: liability in such cases.

Sec. 951. All cases where a change of grade of any street or avenue has been made prior to the taking effect of this act shall, as to the liability to make compensation for damages caused by such change of grade, be governed by the laws in force at the time such change of grade was completed and accepted by the city authorities. After the taking effect of this act an abutting owner who has built upon or otherwise improved his property in conformity with the grade established by lawful authority, and such grade is changed after such buildings or improvement have been erected, and the lessee thereof, shall be entitled to damages for such change of grade. An owner who has built upon or otherwise improved his property prior to the original establishment of a grade by lawful authority and the lessee thereof, shall be entitled to damages caused by the grading of the street in accordance with such established grade. The word lessee as used in this section shall include only such parties or persons whose lease covers the entire real property and the term of which does not expire in less than ten years from the date of the completion and acceptance of the grading by the city authorities and who are obligated under their lease to make repairs and alterations made necessary by the grading. Except as herein provided, there shall be no liability for originally establishing a grade or for changing an established grade. Damages to such buildings and improvements shall be ascertained and assessed by the board of assessors in the manner hereinafter provided. All laws inconsistent herewith are hereby repealed. Whenever any street shall have been graded to a grade which, in the opinion of the board of estimate and apportionment, has been occasioned by an improvement other than the normal and usual street improvement the board of estimate and apportionment may, in its discretion, within sixty days after the grading shall have been completed and accepted by the city authorities in charge of the work, make a certificate that, in its opinion, the street in question has been graded to a special grade. Such certificate shall be transmitted to the board of assessors, together with a plan and profile of the portion of the street affected by such special grade; upon such plan and profile there shall be shown the level which, in the opinion of the board of estimate and apportionment, constitutes a normal grade for the street, and the special grade to which the street has been graded. Upon the receipt by the board of assessors of the certificate of the board of estimate and apportionment, together with the accompanying plan and profile, the board of assessors shall be authorized and empowered to determine the damage which each owner or lessee of the unimproved lands fronting on that portion of the street affected by such special grade has sustained by reason of the grading of the street to such special grade, that is to say the damage sustained by reason of the departure of the grade of the street from the normal grade as shown on such plan and profile. When any street shall have been regulated and graded, it shall be the duty of the board of assessors, after the certificate of the completion and acceptance by the city authorities in charge of the work of such grading shall have been received by it, to cause to be published in the "City Record" and the corporation newspapers, twice a week for four successive weeks, a notice to all persons claiming to have been injured by the physical grading of such street to present their claims, in writing, to the board of assessors. Said notice shall specify a place where and a time when the said board will receive evidence and testimony of the nature and extent of such injury. The board of assessors shall have all the powers conferred upon the commissioners of estimate and assessment by section one thousand and eight of this act, and all the provisions of said section shall apply to the proceedings before the board of assessors. After hearing and considering the said testimony and evidence, and after viewing and inspecting the property claimed to have been injured, the board of assessors shall make such awards for such loss and damage, if any, as it may deem proper. No award shall be made, in any case arising after the taking effect of this act, unless a claim in writing therefor shall have been filed with the board of assessors within ninety days after the grading shall have been completed and accepted by the city authorities in charge of the work. In cases in which the grading of the street has been completed at the time this act takes effect, no award shall be made unless a claim in writing therefor shall have been filed with the board of assessors prior to July first, nineteen hundred and sixteen. The board of assessors shall compute interest upon awards made by it, at the rate of six per centum per annum, from the time of the completion and acceptance of the grading of the street to the date set in the published notice for the hearing upon objections to the assessment. The board of assessors shall also determine the reasonable expense incident to the making of awards for damages which have been incurred by it or by the corporation counsel of the city of New York upon the hearings before said board. The amount of the said awards, the interest upon the same as computed by the board of assessors, and the reasonable expenses of making the awards as determined by the board of assessors shall be included in an assessment to be levied upon the property deemed by the board of assessors to have been benefited by the grading of the street in question, or by the improvement of which said grading forms a part. Any person to whom an award has been made or who has an interest in such award or the city of New York may appeal from the determination of the board of assessors to the board of revision of assessments. Upon such appeal, the board of revision of assessments may confirm, reverse, or modify the determination of the board of assessors, and may either send the matter back to the board of assessors for further consideration, or may itself make a new determination of the matter in controversy. The determination of the board of revision of assessments shall be final and conclusive upon all parties and persons interested in all awards made by the board of assessors.

Sec. 5. This act shall not affect any claims for damages for change of grade pending before the board of assessors at the time it takes effect.—As amended by Laws of 1916, Chapter. 516.

Foregoing section; how construed.

Sec. 952. The foregoing section shall not be construed to authorize the making of an award for loss or damage caused by change of grade in any case in which an award could not legally be made under laws existing immediately previous to the passage of this act, and affecting any part of the territory of the mayor, aldermen and commonalty of The City of New York nor shall it be construed to affect the powers of any commission acting under any laws of this state.

Awards; when to paid; action for default.

Sec. 953. The City of New York shall, within four months after confirmation of any assessment, including awards made in pursuance of the last section but one, pay to the respective parties entitled thereto the amount of such awards, and in case of its neglect or failure to pay the same at the expiration of the said period, and after demand, it shall be lawful for the persons entitled to the same to sue for and recover the amount of their awards. In case any such award or compensation shall be paid to any person not entitled thereto, when the same ought to have been paid to some other person, it shall be lawful for the person to whom the same ought to have been paid to sue for and recover the same with interest and costs, as so much money had and received to his use by the person or persons respectively to whom the same shall have been so paid; provided that when the name or names of the owner or owners, party or parties, are not set forth in the report of the assessors, or where the said owners, parties or persons respectively being named therein shall be insane, a married woman, under the age of twenty-one years, or absent from the city, or after diligent search cannot be found, or their title to receive such awards disputed, it shall be lawful for The City of New York to pay the sum mentioned in said report, or that would be coming to such owners, parties and persons respectively, to the chamberlain, to be secured, disposed of and invested as the supreme court shall direct, and such payments shall be as valid and effectual in all respects as if made to the said owners, parties and persons respectively themselves, according to their just rights, if they had been known and had been persons of full age, single women and of sound mind.

Assessments for deepening water in docks, etc.

Sec. 954. The expense of conforming to any order or direction made in accordance with section eight hundred and thirty-two of this act, or of carrying the same into effect, shall be estimated and assessed by the board of assessors upon or among the owner or owners of auy or every wharf, pier, dock, bulkhead, piece of land, water-right or privilege, near or adjacent to which any such water may be deepened, and which may in any matter be benefited thereby, in proportion, as nearly as may be, to the advantage which each shall be deemed to acquire. Every such estimate and assessment, after confirmation, shall be binding and conclusive upon the owners thereby assessed respectively, and shall be a lien or charge upon the property or premises in respect to which the same may have been made.

Assessments for Grading Streets and Other Property with Material Excavated in Making Other Public Improvements.

Sec. 955. Whenever it is provided in any public contract that the earth or other material excavated in the course of the public improvement to which it relates shall be deposited under the direction of a president of a borough or other city official so that the same may be utilized in filling in any public streets or for other lawful purposes, the value of the earth or other material so used and any other necessary cost and expense in the premises shall be certified to the board of estimate and apportionment by the president of the borough within whose jurisdiction the work is done, or by such other city official having jurisdiction of the same, and said board shall thereupon determine whether any and, if any, what proportion of said amount shall be borne and paid by The City of New York, and shall certify to the board of assessors the aggregate amount of the value of the earth or other material and the other cost and expense as aforesaid, together with their determination in relation thereto. The board of assessors shall thereupon assess upon the property benefited the aggregate amount of such expense or such portion thereof as is authorized by law or such proportion thereof as may have been determined by the board of estimate and apportionment in the same manner and with the same effect as other assessments for local improvements are made under the provisions of this title.—Added by Chapter 550, Laws 1910.

TITLE 3.

VACATING AND MODIFYING ASSESSMENTS FOR LOCAL IMPROVEMENTS OTHER THAN THOSE CONFIRMED BY A COURT OF RECORD.

Remedies limited.

Sec. 958. No suit or action in the nature of a bill of equity or otherwise shall be commenced for the vacation of any assessment in said city, or to remove a cloud upon a title; but owners of property shall be confined to their remedies in such cases to the proceedings under this title. It shall be lawful, however, for the comptroller, acting under the written advice of the corporation counsel, to compromise and settle claims for assessments for local improvements heretofore confirmed and interest thereon, and payments made in accordance with the terms of such settlements shall be in the nature of accord and satisfaction, and no action shall be maintainable to recover back amounts thus paid. It shall also be lawful for the comptroller, by and with the advice and written consent of the corporation counsel, to cancel in writing and annul any and all void assessments for local improvements heretofore or hereafter confirmed—as amended by Laws 1904, Chapter 90.

Petition to the supreme court in case of fraud or substantial error.

Sec. 959. If in the proceedings relative to any assessment or assessments for local improvements, or in the proceedings to collect the same, any fraud or substantial error shall be alleged to have been committed, the party aggrieved thereby may apply to a justice of the supreme court in special term or in vacation,

who shall thereupon, upon due notice to the corporation counsel, proceed forthwith to hear the proofs and allegations of the parties. If, upon such hearing it shall appear that the alleged fraud or substantial error, other than such errors as are specified in the next section has been committed as provided in this title, the said assessment shall be vacated or modified, and the lien created thereby, or by any subsequent proceedings, shall cease. If, upon such hearing, it shall appear that, by reason of any alleged irregularity, the expense of any local improvement has been unlawfully increased, the judge may order that such assessment upon the lands of said aggrieved party may be modified by deducting therefrom such sum as is in the same proportion to such assessment as is the whole amount of such unlawful increase to the whole amount of the expense of such local improvement. Any order that may be made by a justice under authority of this section shall be filed in the office of the county clerk of the county in which the lands are situated, and after the filing of a certified copy thereof with the officer having charge of the assessment, it shall be his duty to cancel or reduce the assessment as required by the order, or do any other act required thereby.

Assessments not to be set aside for certain irregularities and technicalities.

Sec. 960. No assessment heretofore made or imposed or which shall hereafter be made or imposed for any local improvement or other public work, already completed or now being made or performed, or which shall hereafter be made, done or performed, shall hereafter be vacated or set aside for or by reason of any omission to advertise, or irregularity in advertising any ordinance, resolution, notice or other proceeding relative to, or authorizing the improvement or work for which such assessment shall have been made or imposed, or for proposals to do the work, or for or by reason of the omission of any officer to perform any duty imposed upon him, or for or by reason of any defect in the authority of any department or officer upon whose action the assessment shall be in any manner or to any extent dependent, or for or by reason of any omission to comply with or carry out any detail of any law or ordinance, or for or by reason of any irregularity or technicality, except only in cases in which fraud shall be shown and in case of an assessment for repaving any street or public place, upon property for which an assessment has once been paid for paving the same street or public place; and all property in said city benefited by any improvement or other public work already completed, or now being made or performed, and hereafter made, done or performed, except as aforesaid, shall be liable to assessment for such improvement or work and all assessments for any such improvement or other public work shall be valid and binding notwithstanding any such omission, irregularity, defect in authority or technicality. No assessment shall be vacated by reason of fraud or irregularity in the proceedings to collect the same by sale of the assessed premises; but, upon proof of such fraud or irregularity, such sale shall be set aside and the respective rights and liabilities of the assessed person and of The City of New York shall become and be the same as if such sale had not been made.

All claims may be embraced in one proceeding.

Sec. 961. Any person applying for relief under the provisions of this title, may embrace in one proceeding any or all assessments for local improvements in which he is interested.

Power of court to vacate or reduce assessments limited and qualified.

Sec. 962. No court shall vacate or reduce any assessment in fact or apparent, whether void or voidable, on any property for any local improvement, otherwise than to reduce any such assessment to the extent that the same may be shown by parties complaining thereof to have been in fact increased in dollars and cents by reason of fraud or substantial error; and in no event shall that proportion of any such assessment, which is equivalent to the fair value or fair cost of any local improvement, with interest at the rate of three per centum per annum from the date of confirmation to the date of the final order of reduction and seven per centum thereafter, be disturbed for any cause. The provisions of this section shall apply to actions to recover money paid for assessments, and the amount recovered shall be limited to the excess over the fair value or fair cost of the improvement.

When proceedings to vacate, etc., to be brought.

Sec. 963. All proceedings to vacate or reduce assessments in The City of New York must be brought within one year after the confirmation thereof.

Re-assessment.

Sec. 964. Any lands which may be discharged from any lien for an assessment for any local improvement or as to which a sale of the tax lien thereon for such assessments authorized to be made by section ten hundred and twenty-seven of this act has been vacated or set aside may be again assessed by the board of assessors, after a public hearing, notice of which said hearing shall be published twice in each week for two successive weeks in the City Record and the corporation newspapers, for such amount as would have been justly chargeable if fraud or irregularity had not been committed; and the amount so assessed shall be a lien on said lands until paid, and shall be collectible in the manner provided by law for the collection of assessments, but all proceedings to make a new assessment shall be at the expense of the city.—As amended by Laws 1908, Chapter 490.

TITLE 4.

(Title 4 added by Chapter 606, Laws of 1915.)

Article I. General provisions applicable to all proceedings instituted under this title.

II. Provisions relating to procedure for ascertainment of compensation for damages and assessment for benefit by the supreme court, without a jury.

III. Provisions relating to procedure for ascertainment of compensation for damages and assessment for benefit, by commissioners to be appointed by the court.

ARTICLE I.

GENERAL PROVISIONS APPLICABLE TO ALL PROCEEDINGS INSTITUTED UNDER THIS TITLE.

Definitions.

Sec. 969. When used in this title unless otherwise expressly stated or unless the context or subject-matter otherwise requires:

1. "The court," "the supreme court," means a special term of the supreme court held in a county within the city of New York and within the judicial district in which the real property or some part thereof is situated;

2. "Days" means calendar days exclusive of Sundays and full legal holidays;

3. "Owner" means a person having an estate, interest or easement in the real property to be acquired or a lien, charge or encumbrance thereon;

4. "Real property" includes all lands and improvements, lands under water, water front property, the water of any lake, pond or stream, all easements and hereditaments, corporeal or incorporeal, and every estate, interest, and right, legal or equitable, in lands or water, and right, interest, privilege, easement and franchise relating to the same, including terms for years and liens by way of judgment, mortgage or otherwise;

5. "Street" includes street, avenue, road, alley, lane, highway, boulevard, concourse, parkway, culvert, sidewalk, and cross walk, every class of public road, square and place, except marginal wharf;

6. The word "improvement" shall be construed as synonymous with the phrase "acquisition of title to real property pursuant to the provisions of this title."

The city may acquire property for streets, parks, etc.

Sec. 970. The city of New York may acquire title either in fee or to an easement, as may be determined by the board of estimate and apportionment, for the use of the public, to all or any of the real property required for streets, parkways, playgrounds, approaches to bridges and tunnels and sites or lands above or under water for bridges and tunnels, and sites or lands above or under water, for all improvements of the navigation of waters within or separating portions of the city of New York, or for the improvement of the water fronts of the city of New York, or part or parts thereof, heretofore duly laid out upon the map or plan of the city of New York, of the city of Brooklyn, or Long Island City, or of any of the territory consolidated with the corporation heretofore known as the mayor, aldermen and commonalty of the city of New York, or hereafter duly laid out upon the map or plan of the city of New York, as herein constituted, and cause the same to be opened, or acquire title as above stated to such interests in real property as will promote public utility, comfort, health, enjoyment, or adornment, the acquisition of which is not elsewhere provided for. The board of estimate and apportionment may specify what use is required of the real property which it may determine shall be acquired for public use, and the extent of such use, and may direct the same to be acquired whenever and as often as it shall deem it for the public interest so to do. The real property required for such purposes may be taken therefor, and compensation and recompense shall be made to the owners thereof. The real property benefited by the improvement may be assessed for the benefit and advantage derived therefrom. In all proceedings authorized by the board of estimate and apportionment prior to the first day of January, nineteen hundred and seventeen, the said board shall determine whether the compensation to be made to the owners of the real property to be acquired shall be ascertained by the supreme court without a jury, or by three commissioners of estimate to be appointed by the said court. In proceedings in which the board of estimate and apportionment shall determine that the compensation to be made to the owners of the real property to be acquired shall be ascertained by the supreme court without a jury, the city of New York shall make application, or cause application to be made to the said court, in a county within the city of New York and within the judicial district in which the real property to be acquired is situated, to have the compensation, which should justly be made to the respective owners of the real property proposed to be taken, ascertained and determined by the said court without a jury, and to have the cost of the improvement, or such portion thereof as the board of estimate and apportionment shall direct, assessed by the court upon such real property as the board of estimate and apportionment may deem to be benefited thereby. In proceedings in which the board of estimate and apportionment shall determine that the compensation, which should justly be made to the owners of the real property proposed to be taken, shall be ascertained by three commissioners of estimate to be appointed by the said court, the city of New York shall make application, or cause application to be made to the said court in a county within the city of New York and within the judicial district in which the real property to be acquired is situated, for the appointment of three commissioners of estimate to ascertain and determine the compensation to be made to the owners of the real property proposed to be acquired, and in a proper case, for the appointment of one of the commissioners of estimate as a commissioner of assessment for the purpose of levying the assessment of the cost of the improvement, or such portion thereof as the board of estimate and apportionment may direct to be assessed upon such real property as may be deemed by the said board of estimate and apportionment to be benefited thereby. The board of estimate and apportionment may authorize two or more streets to be included in one proceeding. The moneys collected upon the assessment for benefit shall be paid into the city treasury. The damages awarded as compensation shall become due and payable immediately upon the entry of the final decree of the court, or upon the entry of the order confirming the report of the commissioners of estimate, as the case may be. In proceedings authorized by the board of estimate and apportionment after the first day of January, nineteen hundred and seventeen, the compensation to which the owners of real property to be acquired for the use of the public for the purposes specified in this section, shall be ascertained and determined by the supreme court without a jury in the

manner and according to the procedure prescribed by this title, and on and after said date the city of New York shall make application to the court, or cause application to be made to the supreme court in a county within the city of New York and within the judicial district in which the real property to be acquired is situated, to have the compensation, which should justly be made to the respective owners of the real property proposed to be acquired, ascertained and determined by the said court without a jury, and to have the cost of the improvement, or such portion thereof as the board of estimate and apportionment shall direct, assessed by the court upon the real property deemed by the board of estimate and apportionment to be benefited thereby.

Definitions; Power to Condemn Excess Lands.

Sec. 970-a. When used in this section or section nine hundred and seventy-b of the Greater New York charter, unless otherwise expressly stated, or unless the context or subject-matter otherwise requires, the word "improvement" shall be construed as synonymous with the phrase "laying out, widening, extending or relocating a park, public place, highway or street," or with the phrase "acquisition of title to real property required for laying out, widening, extending or relocating a park, public place, highway or street." The term "excess lands," or the term "additional lands," or the term "additional real property" shall each be construed as synonymous with the phrase "real property in addition (or additional) to the real property needed (or required) for laying out, widening, extending or relocating a park, public place, highway or street." "The board" shall be construed as synonymous with the "board of estimate and apportionment." The city of New York in acquiring real property for any improvement may acquire more real property than is needed for the actual construction of the improvement. The board of estimate and apportionment may authorize the city of New York to acquire additional real property in connection with any improvement, and direct that the same be acquired with the real property to be acquired for the improvement; provided that such additional real property shall be not more than sufficient to form suitable building sites abutting on the improvement. The title which the city of New York shall acquire to additional real property shall in every case be the fee simple absolute. Additional real property shall be acquired by the city in connection with a street improvement only when the title acquired for the improvement shall be in fee. The acquisition of title to additional real property in connection with an improvement shall be authorized by the board in the same manner and at the same time as the acquisition of title to the real property required for the improvement is authorized. When the board shall have authorized the acquisition of title to additional real property in connection with an improvement, title to such additional real property shall be acquired by the city in the manner and according to the procedure (except in such respects as herein set forth) provided for the acquisition of title to the real property required for the improvement and in the same proceeding in which title to the real property required for the improvement shall be acquired. When the board shall authorize the acquisition of additional real property in connection with any improvement, it shall cause to be prepared and shall adopt a map showing the real property to be acquired for the improvement and such additional real property in connection with the real property to be acquired for the improvement, and such map, when approved by the mayor, shall be certified by the secretary of the board and filed, prior to the application to condemn the same, as follows: One copy thereof in the office in which conveyances of real property are required by law to be recorded in each county in which the real property or any part thereof shown on such map is situated; one copy thereof in the office of the corporation counsel; one copy thereof in the office of the president of each borough in which the real property or any part thereof shown on such map is situated, and one copy thereof in the office of the board. When the board shall have authorized the acquisition of additional real property in connection with any improvement, such additional real property shall be separately described in the notice of application to condemn by the supreme court without a jury or in the notice of application for the appointment of commissioners of estimate, as the case may be, and in the petition presented on any such application, and separately shown on the rule map attached to the petition and on the damage map in the proceeding, and said notice and petition shall state what part of the real property to be condemned is required for the improvement, and what part thereof is to be acquired as additional real property. The acquisition of such additional real property, when authorized by the board, shall be deemed to be for a public purpose. In a proceeding in which additional real property shall be acquired, the board, by a three-fourths vote, may direct that on the date of the entry of the order granting the application to condemn by the supreme court without a jury, or on the date of the filing of the oaths of the commissioners appointed by the court, as the case may be, or on a date after either, specified in the resolution of the board, the title to the whole, but not less than the whole of such additional real property to be acquired in the proceeding shall vest in the city of New York, provided that such resolution shall also direct the vesting in said city simultaneously of the title to all of the real property being acquired in the proceeding for the improvement; except that in a proceeding involving the acquisition of title to additional real property in connection with the acquisition of title to real property required for a street, highway or public place, the board shall not be required to vest, at one time, the title to all the additional real property to be acquired, provided, however, that in vesting title to parts of said additional real property every such part shall be at least a block of length along the improvement, and that no fractional portion of a block shall be contained in any such part, and provided that said board shall also direct that all the real property required for the street, highway or public place in such block or blocks shall vest in the city simultaneously. Upon the date of the entry of such order granting the application to condemn or upon the date of the filing of such oaths, as the case may be, or on such date after either, as may be specified by said board, the city of New York shall be and become seized in fee simple absolute to such additional real property. In all other cases, except as herein otherwise provided, title in fee simple absolute to such additional real property as may be acquired in any such proceeding shall vest in the city of New York upon the filing of the final decree of the court, or upon the entry of the order of the court confirming the report of the commissioners of estimate, as the case may be, as to such additional real property; and the reversal on appeal of the final decree or of the order confirming the report, as the case may be, or of any part of either, shall not operate to divest the city of title to any of the real property so acquired. In a proceeding in which excess lands shall be acquired, the board shall not have power to direct the vesting of title in the city to the real property required for the improvement without also directing the vesting of title in the city simultaneously to the excess lands being acquired in the proceeding in connection with the improvement, except that the board may, in the manner in this section provided, direct that title to the real property required for a street, highway or public place shall vest in the city of New York in any block of such street, highway or public place abutting which no excess lands are taken. In any proceeding in which excess lands shall be acquired, when title to any part less than the whole of the real property required for the street, highway or public place in any one block thereof, between legally existing public streets, shall vest in said city upon and by virtue of the entry of the decree of the court finally determining the awards for damages therefor, or on the date of the entry of the order confirming the report of the commissioners of estimate in relation thereto, as the case may be, title to the remainder of the real property required for the street, highway or public place in the same block and title to the additional lands to be acquired in the proceeding abutting on the street, highway or public place in the same block, shall vest in said city simultaneously, and the reversal on appeal of the final decree of the court or of the order confirming the report of commissioners, as the case may be, or of any part of either shall not operate to divest the city of title to any of the real property so acquired for the street, highway or public place in the same block or to the additional lands abutting thereon. Upon the vesting of title in the city of New York, as in this section provided, to any such additional lands and to lands required for the improvement, the city of New York, or any person acting under its authority, may immediately, or at any time thereafter, take possession of the additional lands so vested and of the real property required for the improvement so vested, or any part or parts thereof, without any suit or proceeding at law for that purpose. In a proceeding in which additional lands shall have been authorized to be acquired in connection with the improvement, an owner may not convey to the city of New York any part of the real property to be acquired for the improvement, except upon the approval of the board of estimate and apportionment. After the institution of a proceeding pursuant to this title, the board of estimate and apportionment may amend the proceeding by authorizing the acquisition of lands additional to those required for the improvement, provided that title shall not have vested in the city of New York to any parcel of real property to be acquired for the improvement within the block between legally existing public streets, embracing the additional lands sought to be acquired. The said board may also amend any proceeding so as to exclude any or all additional lands being acquired in the proceeding, provided title to such additional lands shall not have vested in the city. The amendment shall be made in the manner provided in this title, and thereafter the proceeding shall be conducted in the same manner as if the additional lands included or excluded by the amendment had been included or had not been included in the proceeding at the time of the institution thereof. In case title to the real property required for the improvement and to the additional lands shall vest in the city prior to the entry of the final decree or order confirming the report of the commissioners, as the case may be, interest on the entire amount due to the owner of the real property acquired for the improvement, or for the

excess lands, or for both, from the date of the vesting of title thereto to the date of the final decree or to the date of the report of the commissioners of estimate, as the case may be, shall be awarded as a part of such owner's compensation. All of the provisions of this title relative to the payment by the comptroller of sums awarded as damages and interest thereon, and to the advance payment on account of such damages, and relative to the assignment or pledge of awards, shall apply to awards of damages for the taking of additional lands. After title to the real property required for the improvement and to the additional lands shall have vested in the city, the additional lands may be either held and used by the city, or sold or leased by it in the manner provided by the Greater New York charter. The board of estimate and apportionment may provide that such additional lands shall be sold or leased subject to such restrictions, covenants or conditions as to location of buildings with reference to the real property acquired for the improvement, or the height of buildings or structures, or the character of construction and architecture thereof, or such other covenants, conditions or restrictions as it may deem proper; and such additional lands shall be sold or leased subject to such restrictions, covenants or conditions, if any, as the board of estimate and apportionment may have prescribed, which shall be set forth in the instrument of conveyance or lease. [As added by Chap. 593, Laws of 1915.]

Definitions; Power to Condemn Excess Lands.

Sec. 970-a. When used in this section or section nine hundred and seventy-b of the Greater New York charter, unless otherwise expressly stated, or unless the context or subject-matter otherwise requires, the word "improvement" shall be construed as synonymous with the phrase "laying out, widening, extending or relocating in park, public place, highway or street," or with the phrase "acquisition of title to real property required for laying out, widening, extending or relocating a park, public place, highway or street." The term "excess lands," or the term "additional lands," or the term "additional real property" shall each be construed as synonymous with the phrase "real property in addition (or additional) to the real property needed (or required) for laying out, widening, extending or relocating a park, public place, highway or street." "The board" shall be construed as synonymus with the "board of estimate and apportionment." The city of New York in acquiring real property for any improvement may acquire more real property than is needed for the actual construction of the improvement. The board of estimate and apportionment may authorize the City of New York to acquire additional real property in connection with any improvement, and direct that the same be acquired with the real property to be acquired for the improvement; provided that such additional real property shall be not more than sufficient to form suitable building sites abutting on the improvement. The title which the city of New York shall acquire to additional real property shall in every case be the fee simple absolute. Additional real property shall be acquired by the city in connection with a street improvement only when the title acquired for the improvement shall be in fee. The acquisition of title to additional real property in connection with an improvement shall be authorized by the board in the same manner and at the same time as the acquisition of title to the real property required for the improvement is authorized. When the board shall have authorized the acquisition of title to additional real property in connection with an improvement, title to such additional real property shall be acquired by the city in the manner and according to the procedure (except in such respects as herein set forth) provided for the acquisition of title to the real property required for the improvement and in the same proceeding in which title to the real property required for the improvement shall be acquired. When the board shall authorize the acquisition of additional real property in connection with any improvement, it shall cause to be prepared and shall adopt a map showing the real property to be acquired for the improvement and such additional real property in connection with the real property to be acquired for the improvement, and such map, when approved by the mayor, shall be certified by the secretary of the board and filed, prior to the application to condemn the same, as follows: One copy thereof in the office in which conveyances of real property are required by law to be recorded in each county in which the real property or any part thereof shown on such map is situated; one copy thereof in the office of the corporation counsel; one copy thereof in the office of the president of each borough in which the real property or any part thereof shown on such map is situated, and one copy thereof in the office of the board. When the board shall have authorized the acquisition of additional real property in connection with any improvement, such additional real property shall be separately described in the notice of application to condemn by the supreme court without a jury or in the notice of application for the appointment of commissioners of estimate, as the case may be, and in the petition presented on any such application, and separately shown on the rule map attached to the petition and on the damage map in the proceeding, and said notice and petition shall state what part of the real property to be condemned is required for the improvement, and what part thereof is to be acquired as additional real property. The acquisition of such additional real property, when authorized by the board, shall be deemed to be for a public purpose. In a proceeding in which additional real property shall be acquired, the board, by a three-fourths vote, may direct that on the date of the entry of the order granting the application to condemn by the supreme court without a judy, or on the date of the filing of the oaths of the commissioners appointed by the court, as the case may be, or on a date after either, specified in the resolution of the board, the title to the whole but not less than the whole of such additional real property to be acquired in the proceeding shall vest in the city of New York, provided that such resolution shall also direct the vesting in said city simultaneously of the title to all of the real property being acquired in the proceeding for the improvement; except that in a proceeding involving the acquisition of title to additional real property in connection with the acquisition of title to real property required for a street, highway or public place, the board shall not be required to vest, at one time, the title to all the additional real property to be acquired, provided, however, that in vesting title to parts of said additional real property every such part shall be of at least a block length along the improvement, and that no fractional portion of a block shall be contained in any such part, and provided that said board shall also direct that all the real property required for the street, highway or public place in such block or blocks shall vest in the city simultaneously. Upon the date of the entry of such order granting the application to condemn or upon the date of the filing of such oaths, as the case may be, or on such date after either, as may be specified by said board, the city of New York shall be and become seized in fee simple absolute to such additional real property. In all other cases, except as herein otherwise provided, title in fee simple absolute to such additional real property as may be acquired in any such proceeding shall vest in the city of New York upon the filing of the final decree of the court, or upon the entry of the order of the court confirming the report of the commissioners of estimate, as the case may be, as to such additional real property; and the reversal on appeal of the final decree or of the order confirming the report, as the case may be, or of any part of either, shall not operate to divest the city of title to any of the real property so acquired. In a proceeding in which excess lands shall be acquired, the board shall not have power to direct the vesting of title in the city to the real property required for the improvement without also directing the vesting of title in the city simultaneously to the excess lands being acquired in the proceeding in connection with the improvement, except that the board may, in the manner in this section provided, direct that title to the real property required for a street, highway or public place shall vest in the city of New York in any block of such street, highway or public place abutting which no excess lands are taken. In any proceeding in which excess lands shall be acquired, when title to any part less than the whole of the real property required for the street, highway or public place in any one block thereof, between legally existing public streets, shall vest in said city upon and by virtue of the entry of the decree of the court finally determining the awards for damages therefor, or on the date of the entry of the order confirming the report of the commissioners of estimate in relation thereto, as the case may be, title to the remainder of the real property required for the street, highway or public place in the same block and title to the additional lands to be acquired in the proceeding abutting on the street, highway or public place in the same block, shall vest in said city simultaneously, and the reversal on appeal of the final decree of the court or of the order confirming the report of commissioners, as the case may be, or of any part of either shall not operate to divest the city of title to any of the real property so acquired for the street, highway or public place in the same block or to the additional lands abutting thereon. Upon the vesting of title in the city of New York, as in this section provided, to any such additional lands and to lands required for the improvement, the city of New York, or any person acting under its authority, may immediately, or at any time thereafter, take possession of the additional lands so vested and of the real property required for the improvement so vested, or any part or parts thereof, without any suit or proceeding at law for that purpose. In a proceeding in which additional lands shall have been authorized to be acquired in connection with the improvement, an owner may not convey to the city of New York any part of the real property to be acquired for the improvement, except upon the approval of the board of estimate and apportionment and of the commissioners of the sinking fund. After the institution of a proceeding pursuant to this title, the board of estimate and apportionment may amend the proceeding by authorizing the acquisition of lands additional to those

required for the improvement, provided that title shall not have vested in the city of New York to any parcel of real property to be acquired for the improvement within the block between legally existing public streets, embracing the additional lands sought to be acquired. The said board may also amend any proceeding so as to exclude any or all additional lands being acquired in the proceeding, provided title to such additional lands shall not have vested in the city. The amendment shall be made in the manner provided in this title, and thereafter the proceeding shall be conducted in the same manner as if the additional lands included or excluded by the amendment had been included or had not been included in the proceeding at the time of the institution thereof. In case title to the real property required for the improvement and to the additional lands shall vest in the city prior to the entry of the final decree or order confirming the report of the commissioners, as the case may be, interest on the entire amount due to the owner for the real property acquired for the improvement, or for the excess lands, or for both, from the date of the vesting of title thereto to the date of the final decree or to the date of the report of the commissioners of estimate, as the case may be, shall be awarded as a part of such owner's compensation. All of the provisions of this title relative to the payment by the controller of sums awarded as damages and interest thereon, and to the advance payment on account of such damages, and relative to the assignment or pledge of awards, shall apply to awards of damages for the taking of additional lands. After title to the real property required for the improvement and to the additional lands shall have vested in the city, the additional lands may be either held and used by the city, or sold or leased by it in the manner provided by the Greater New York charter. The board of estimate and apportionment may provide that such additional lands shall be sold or leased subject to such restrictions, covenants or conditions as to location of buildings with reference to the real property acquired for the improvement, or the height of buildings or structures, or the character of construction and architecture thereof, or such other covenants, conditions or restrictions as it may deem proper; and such additional lands shall be sold or leased subject to such restrictions, covenants or conditions, if any, as the board of estimate and apportionment may have prescribed, which shall be set forth in the instrument of conveyance or lease.

Authority to assess and the ascertainment of the amount properly assessable in a proceeding in which additional lands may be acquired.

Sec. 970-b. In every proceeding in which lands additional to those required for the improvement shall be acquired, the board may determine whether any, and if any, what portion of the damage due to the acquisition of title to the real property required for the improvement, shall be borne and paid by the city of New York; and the whole or the remainder of such damages shall be assessed upon the real property deemed to be benefited by the improvement in the manner and according to the procedure for levying assessments for benefit in proceedings had under this title. The board may also determine whether any, and if any, what portion of the costs and expenses of the proceeding, including the expenses of the bureau of street openings in the law department, incurred by reason of such proceeding, shall be borne and paid by the city of New York; and the whole or the remainder of such costs and expenses, including the expenses of the bureau of street openings, shall be assessed upon the real property deemed to be benefited by the improvement. Where part of a parcel of real property shall be acquired for an improvement, and the remainder or a portion of the remainder of such parcel in the same ownership shall be acquired in the same proceeding as excess lands, the portion of the damages due to the acquisition of the real property required for the improvement, shall be determined and stated separately from the entire damage due to each such owner. In determining the damages due to the acquisition of that portion of such parcel, which is required for the improvement (which shall be the portion thereof properly assessable), the same rule shall be applied as would govern the determination of damages for the taking of the real property required for the improvement, in case no excess lands were acquired. Where part of a parcel of real property shall be acquired for the improvement, and the remainder or a portion of the remainder thereof in the same ownership shall be acquired in the same proceeding, as excess lands, the damages due to the acquisition of title to the real property required for the improvement (which shall constitute the portion of the owner's total damages as to such parcel, on account of the proceeding, which shall be properly assessable, shall in every case, equal the amount which would be awarded to such owner in case only that part of his real property, which shall be required for the improvement, were acquired. The aggregate of damages due to the acquisition of the real property required for the improvement shall be determined by the court or other tribunal authorized to determine the compensation to be paid to the owners, and when so determined, as aforesaid, shall, if the board of estimate and apportionment so direct, be assessed by the court or other tribunal authorized to levy the assessment for the improvement. The real porperty acquired by the city in addition to that required for the improvement shall be subject to assessment for benefit due to the improvement, and shall bear its proper share of the cost and expense of the proceeding, which may be levied and collected with the taxes upon the real property in one or more entire boroughs. The assessment, which shall be levied in any proceeding, upon the real property acquired in addition to that required for the improvement, shall not in the case of any parcel assessed exceed one-half the fair value thereof. Interest from the date of the vesting of title to the date of the final decree of the court or to the date of the final report of the commissioners, as the case may be, on the sum or sums determined as damages due to the acquisition of the real property required for the improvement, as hereinbefore provided, shall be included in and stated as a part of such damages due to the acquisition of title to the real property required for the improvement. Nothing in this section contained shall be construed as authorizing the awarding to an owner, part of whose real property is taken for the improvement, and the remainder or a portion of the remainder of whose real property is taken as additional lands, any greater amount of compensation than such owner shall be entitled to, by reason of the taking of his real property for the improvement and as additional lands, considered together as one parcel. The provisions of section nine hundred and seventy-a and of this section shall be construed as supplementing and extending the effect of the provisions of the other sections of this title so as to provide for the acquisition of title to additional lands in connection with an improvement and for the levying of assessments for benefit in such proceedings and nothing in section nine hundred and seventy-a or in this section contained shall be construed as limiting the effect of the provisions of the other sections of this title in their application to the acquisition of title to real property required for an improvement when acquired in a proceeding in which additional lands shall or shall not be acquired or to the levying of assessments for benefit in such proceedings, except as the provisions of the other sections of this title are in section nine hundred and seventy-a and in this section expressly so limited in their application.—Added by Laws of 1916, Chap. 112.

Real property may be conveyed or ceded to the city on such terms and conditions the board of estimate and apportionment may prescribe.

Sec. 971. An owner of real property which the city is authorized by this act to acquire may convey or cede the same to the city provided such real property be free from encumbrances inconsistent with the title to be acquired by the city, on such terms and conditions, including exemptions from assessments, as the board of estimate and apportionment may from time to time prescribe, and with the approval of the board of commissioners of the sinking fund. When a conveyance of such real property shall be accepted the city of New York shall become vested with the title to the real property so conveyed to the same extent and effect as if it had been acquired for the improvement by a proceeding had for that purpose.

Cession of lands and lands under water to the Federal Government for the improvement of navigation of waters within or separating portions of the city.

Sec. 971-a. The city of New York, acting by the commissioners of the sinking fund of said city, is authorized to cede, grant and convey to the United States, free of cost, all the estate, right, title and interest of the city of New York in and to any lands and lands under water, acquired by or owned by the city of New York, required for the improvement of navigation of waters within or separating portions of said city in accordance with the plan or plans, establishing bulkhead or pierhead lines in said waters prepared by the secretary of war. Whenever any part of said land or lands under water shall have been ceded by said commissioners of the sinking fund, pursuant to the authority here given it shall be the duty of said commissioners of the sinking fund or a majority of them to give a certificate under their hands, that the same have ceded, pursuant to the provisions of this section; and upon the production of such certificate it shall be the duty of the mayor and city clerk in the name and on behalf of the city of New York to execute a proper conveyance of such lands under their hands and the seal of said city.

The commissioners of the sinking fund may authorize the city of New York to grant and convey the lands under water or filled in lands, between the high water mark and the bulkhead lines established by the secretary of war, of any waters within or separating portions of the city, so improved, to the adjacent upland owners upon terms and conditions as in their judgment shall seem proper. [As amended by Chap. 523, Laws of 1915.]

Board of Estimate and Apportionmen to determine the portion of cost of proceedings to be borne by the city and by the real property benefited.

Sec. 972. The board of estimate and apportionment shall in every case determine whether any, and if any, what portion of the cost and expense of any proceeding authorized by this title shall be borne and paid by the

city of New York and the whole of the remainder of such cost and expense, as the case may be, shall be assessed upon the real property deemed by the said board to be benefited by the improvement, and said board may also determine in any proceeding or class of proceedings, or generally, that the expense of the bureau of street openings incurred by reason of the provisions of this title, and the cost and expense incurred by the respective borough presidents of the boroughs in which the real property to be acquired is situated, in the preparation of rule, damage and benefit and tax maps, shall be borne and paid by the city of New York, and the whole or remainder of such cost and expense, as the case may be, shall be assessed upon the real property deemed by the said board to be benefited thereby. The determination of said board in any proceeding as to the portion of cost and expense thereof to be borne and paid by the city of New York, and as to the portion thereof to be assessed upon the real property benefited by the improvement shall, after it shall have been made and announced, be final, and such determination shall not be reconsidered by said board; except that in any proceeding heretofore or hereafter to be instituted in which the area of assessment for benefit adopted by the said board, pursuant to the provisions of this section, shall include any real property of a corporation, the real property of which is exempt by law from assessments levied pursuant to the provisions of this title, the said board may, at any time before the entry of the final decree of the court as to assessments or before the final confirmation of the report of the commissioner of assessment appointed in the proceeding, as the case may be, for which such area has been adopted, reopen and reconsider and change its determination or decision as to the portion of the cost and expense of the proceeding to be borne and paid by the city of New York and as to the portion to be borne by the property benefited.

Board of Estimate and Apportionment to adopt area of assessment.

Sec. 973. Whenever the board of estimate and apportionment shall have directed that any real property shall be acquired for the purposes provided for in this title, and shall have determined that a portion of the cost and expense of the acquisition thereof shall be borne by the real property benefited thereby, it shall, in the resolution directing the institution of the proceeding, fix and determine upon an area or areas of assessment for benefit, and it may review and alter such area of assessment at any time before the entry of the final decree of the court as to assessments or the entry of the order of the court confirming the report of the commissioner of assessment, as the case may be, and it may also divide the area or areas of assessment or partial or separate areas of assessment determined upon by it, into zones or sub-areas of benefit, and may direct what proportion, in percentage, of the cost and expense of the proceedings shall be made a charge upon and shall be distributed by the court or the commissioner of assessment, as the case may be over and upon such zones or sub-areas of benefit in proportion to the benefit received. Said board shall give notice in the "City Record" and corporation newspapers when it is considering the advisability of instituting proceedings to acquire title, of the proposed area of assessment for each street or a number of streets or of a sub-area of assessment for each street in case two or more streets are joined in one proceeding, and of the proposed zones or sub-areas of benefit contained within the entire area of assessment and of the proposed proportion in percentage, of the cost and expense of the proceeding which it may direct to be distributed within such zones or sub-areas and of a hearing thereon. The notice may set forth and describe the proposed area of assessment and the zones and sub-areas thereof, and the respective percentages of the cost and expense to be borne by such zones and sub-areas by means of a diagram which shall show the same with reference to the map or plan of the city. Similar notice shall be given of a proposed revision or alteration of the area or sub-area of assessment theretofore fixed by it, or of the partial or separate areas or zones or sub-areas theretofore fixed by it, or of the percentages which it may direct to be distributed, levied and raised upon such areas. Whenever the board of estimate and apportionment shall in a case where the compensation is to be ascertained by commissioners of estimate direct that any portion of the cost and expense of a proceeding shall be assessed upon the real property within one or more entire boroughs, it shall fix the compensation to be paid to the commissioner of assessment for making such distribution.

Borough Presidents to furnish maps, et cetera.

Sec. 974. The president or presidents of the borough or boroughs in which the real property to be acquired or to be assessed for benefit in any proceeding is situated shall furnish to the court, or to the commissioners of estimate and the commissioner of assessment, as the case may be, such maps, surveys or diagrams as the court, or the commissioners of estimate or the commissioner of assessment, as the case may be, shall require, to enable the court or the commissioners of estimate or the commissioner of assessment, as the case may be, to hear and determine the claims of the owners of the real property affected by the proceeding. The surveys and maps furnished as aforesaid shall distinctly indicate by separate numbers the names of the claimants to or of the owners of the respective parcels of real property to be taken or to be assessed for benefit by such proceedings as far as the same are known and shall also specify in figures with sufficient accuracy the dimensions and bounds of each of the said tracts to be taken or to be assessed. In all cases the lots on the benefit maps shall be designated on such maps by the same ward or block and lot numbers or other designations as shall be used to designate the said real property on the tax books and the tax maps of the city of New York; provided that in case any lot designated on such tax books shall not be assessed as a whole, but either as to a part or in separate parts there shall be added to the designation such letters, numbers or figures or other description as may be necessary in order to indicate the exact parcel or parcels comprised in such tax lot which is or are assessed. In case of an assessment for benefit upon the real property in one or more entire boroughs, it shall not be necessary to prepare benefit maps, but only to refer to the parcels assessed by reference to the block, lot and ward numbers as shown on the tax maps of the city of New York for said borough, but all subdivisions of any such lot or parcel shall be described as aforesaid. The court or commissioners may require any board, department or officer of the city of New York, if the corporation counsel shall approve, to furnish such other surveys and maps and other information as shall aid and assist the court or commissioners in the trial or determination of the proceeding. The board, department or officer furnishing such surveys, maps or information shall certify to the corporation counsel the cost and expense incurred in making such surveys and maps and furnishing such information, and the whole of such cost and expense so certified, or such part thereof as the board of estimate and apportionment shall determine, shall be included in the assessment for benefit, after the same shall have been taxed by the court.

Borough Presidents to certify to the Corporation Counsel cost of maps, et cetera.

Sec. 975. The respective borough presidents of the boroughs in which any real property is directed to be acquired for purposes authorized by this title, shall, in the preparation of maps required by the court or by the commissioners, as the case may be, make a monthly written return to the corporation counsel, duly verified, showing the names of persons employed, and the number of hours occupied by them in the preparation of such maps, and the date of the days of each month so occupied, their respective salaries, and the amount of such salary apportioned to each proceeding according to the time employed thereon. Such return shall be considered presumptive evidence of the correctness of the expense thereof, which if the board of estimate and apportionment so determine, shall be included in whole or in part in the assessment for benefit in any proceeding after the same shall have been taxed by the supreme court in the manner provided for taxation of bills of costs and expenses in such proceeding. The salaries of the persons so employed or the proportionate share thereof chargeable to the preparation of rule, damage, and benefit maps, shall be paid monthly in the first instance out of the fund known as the fund for street and park openings upon pay rolls and vouchers duly certified by the respective borough presidents in the same manner as the employees of the bureau of street openings are paid.

Vesting of title in the city to real property taken for streets or parks or other purposes.

Sec. 976. Should the board of estimate and apportionment at any time deem it for the public interest that the title to the real property required for any improvement, authorized herein, should be acquired by the city of New York at a fixed or specified time, the said board of estimate and apportionment may direct, by a three-fourths vote, that upon the date of the entry of the order granting the application to condemn or upon the date of the filing of the oaths of the commissioners of estimate, as the case may be, as provided for in this title, or upon a specified date after either, the title to any piece or parcel of real property lying within the lines of any such street or park, or of any improvement herein authorized, shall be vested in the city of New York. Upon the date of the entry of the order granting the application to condemn, or upon the date of the filing of such oaths, as the case may be, or upon such subsequent date as may be specified by said board, the city of New York shall become and be seized in fee of, or of the easement in, over, upon or under, the said real property described in the said resolution, as the board of estimate and apportionment may determine, the same to be held, appropriated, converted and used to and for such purpose accordingly. In such cases interest at the legal rate upon the sum or sums to which the owners are justly entitled upon the date of the vesting of title in the city of New York, as aforesaid, from said date to the date of the final decree of the court or to the date of the report of the commissioners of estimate, as the case may be, shall be awarded by the court or by the commissioners, as the case may be, as part of the compensation to which such owners are entitled. In all other cases, title as aforesaid shall vest in the city of New York upon the filing of the final decree of the court or upon the entry of the order confirming the report of the commissioners of estimate, as the case may be, and the reversal on appeal of the final decree of the court or of the order of confirmation, as the case may be, shall not divest the city of title to the real property affected by the appeal. Upon the vesting of title the city of New York, or any person or persons acting under its authority, may immediately, or any time thereafter, take possession of the real property so vested in the city, or any part or parts thereof, without any suit or proceeding at law for that purpose. The title acquired by the city of New York to real property required for a street shall be in trust, that the same be appropriated and kept open for, or as part of a public street, forever, in like manner as the other streets in the city are and of right ought to be. If any individual or corporation before the entry of the order granting the application to condemn or before the appointment of the commissioners of estimate, as the case may be, has acquired by private grant, prescription or otherwise, any easement for the purpose of laying or maintaining in the real property to be acquired for street purposes as herein provided, underground pipes or conduits for the distribution of water, gas, steam or electricity, or for pneumatic service, such easement shall not be extinguished, but the title to the real property so to be acquired for the purposes herein provided for shall be taken subject to such easement; provided, however, that nothing herein contained shall be so construed as to limit the power of the city of New York to acquire by purchase or by condemnation proceedings the entire plant or service of such individual or corporation, or to acquire such easement in such street in any other appropriate proceedings. The title in fee acquired by the city of New York to real property required for all purposes provided for in this title, except street purposes, shall be a fee simple absolute.

Corporation Counsel to represent interests of city before the court or commissioners, and provide clerks and offices; expenses.

Sec. 977. The corporation counsel shall furnish the court or the commissioners of estimate and the commissioner of assessment, who may be appointed in any proceeding authorized by this title, as the case may be, such necessary clerks and other employees as may be required; and shall provide such suitable offices for the commissioners, clerks and other employees as may be required to enable the court or commissioners, as the case may be, to fully and satisfactorily discharge the duties imposed by law. The corporation counsel shall, either in person or by such assistant or assistants as he shall designate for the purpose, appear for and protect the interest of the city in all proceedings in court or before the commissioners. All salaries of the assistants and other employees of the bureau of street openings, and all necessary expenses and disbursements which the city of New York and the corporation counsel, on behalf of the city of New York, shall incur under the provisions of this act shall be paid by the comptroller of the city of New York out of the fund for street and park openings provided for by existing laws, and if the board of estimate and apportionment so direct, shall be borne and reimbursed and paid to the city of New York by the parties and persons interested and entitled, as owners or otherwise, unto and in the real property deemed to be benefited, and the same shall be included in and taxed by the court, upon due proof of the services rendered, and disbursements charged as part of the necessary costs and expenses of the said proceedings; but such expenses and disbursements shall not be included in the assessments for benefit until after the same have been taxed before a justice of the supreme court in the appropriate department, and have been directed to be so included by the board of estimate and apportionment. An amount estimated to be sufficient to cover the legally taxable costs, charges, expenses and disbursements of the bureau of street openings, which are necessary to be incurred in a proceeding, between the date to which the final bill of costs shall be made up and the date of the entry of the final decree of the court or the date of the order confirming the reports of the commissioners, as the case may be, may be taxed by the court and included in the assessments for benefit in the proceeding.

City entitled to compensation and liable to assessment.

Sec. 978. If any real property belonging to the city of New York, or in which it may be interested, shall be acquired for or shall be benefited by any such improvement, the city shall be entitled to compensation for the loss and damage it may sustain, and shall be liable to pay for the benefit and advantage it may be deemed to acquire thereby, in like manner as other owners. The assessment against each

parcel owned by the city shall be separately stated in the tentative and final decrees of the court or the abstract and report of the commissioner of assessment, as the case may be, and the total amount of all such assessments upon real property owned by the city shall also be stated in a gross sum in the final decree of the court or in the report of the commissioner of assessment, as the case may be.

Contracts of landlord and tenant or other contracting parties; how affected.

Sec. 979. Where the whole of any lot or parcel of real property, under lease or other contract, shall be taken for any of the purposes aforesaid, by virtue of this title, all the covenants, contracts and engagements between landlord and tenant, or any other contracting parties, respecting the same, or any part thereof, shall, upon the vesting of the title in the city of New York, cease and determine and be absolutely discharged; and where part only of any lot or parcel of real property, so under lease or other contract, shall be so taken, all contracts and engagements respecting the same shall, upon such vesting of title, cease, determine and be absolutely discharged, as to the part thereof so taken, but shall remain valid and obligatory as to the residue thereof.

Costs and charges; taxation thereof.

Sec. 980. Except as herein otherwise provided no fees of commissioners or other costs or charges shall be paid or allowed for any service performed under this title, unless the same shall be taxed by the said court after notice given as herein provided. Upon such taxation, due proof of the nature and extent of the service rendered and disbursements charged shall be furnished and no unnecessary costs shall be allowed. A bill of said costs, charges and expenses shall be filed in the office of the clerk of the county in which the order granting the application to condemn or the order appointing the said commissioners, as the case may be, has been entered, at least ten days before the same shall be presented for taxation. All such costs, fees and expenses or disbursements, which by law are required to be taxed, shall be stated in detail in the bill of costs, charges and expenses and shall be accompanied by such proof of the reasonableness thereof and of the necessity therefor, as is now required by law and the practice of the said court upon taxation of costs and disbursements in other special proceedings or actions in said court. There shall be annexed a statement of the amounts, if any, previously taxed, to whom such amounts were payable, and the date of such taxation. A notice by advertisement shall be published for ten days in the "City Record" and the corporation newspapers, and a copy of such notice served upon the corporation counsel, of the time and place of taxing said costs, charges and expenses, which shall be thereupon taxed by a justice of the supreme court, or a referee under his special order, and before the final decree or final decrees of the court or the report or reports of said commissioners, as the case may be, shall be prepared. On the taxation of the final bill of costs there may be a retaxation of any bill previously taxed in the same proceeding, if sufficient reason therefor be made to appear. The corporation counsel shall present to the justice or referee upon such taxation his certificate in writing that the items of costs, charges and expenses have been audited and examined by him, and also setting forth the result of such audit and examination. The certificate of the corporation counsel shall be presumptive evidence of the correctness, reasonableness and necessity of such costs, charges and expenses. Property owners appearing in proceedings instituted pursuant to this title shall not be entitled to recover counsel fees, costs, disbursements or allowances.

Damages for real property taken; when to be paid.

Sec. 981. All damages awarded by the court with interest thereon from the date of filing of the final decree, or awarded by the commissioners of estimate with interest thereon from the date of such commissioners' report, as the case may be, and all costs and expenses which may be taxed, shall be paid by the city of New York to the respective owners mentioned or referred to in said final decree, or in the report of the commissioners of estimate, as the case may be, or to the persons and parties in whose favor such costs or expenses shall be taxed. Interest shall cease to run on the sums awarded as damages six months after the date of the filing of the final decree or after the date of the entry of the order confirming the report of the commissioners of estimate, as the case may be, unless within that time demand therefor, in writing, be served upon the comptroller. Said damages, costs and expenses shall be paid from the fund for street and park openings provided for in this act, and by existing laws. The owners to whom an award shall be made in such proceedings, and the person in whose favor costs and expenses may be taxed, shall not have an action at law against the city of New York for such awards, costs or expenses, but the court in which said proceedings have been had, upon the application of any such owner or person, in case of the failure of the comptroller of said city to pay the same within thirty days after demand therefor, shall by order require and direct the comptroller to pay the said awards, costs and expenses from the said fund, and enforce said order in the same manner as other orders of said court are enforced. Provided, however, that whenever the amount of damages awarded in any final decree or report of commissioners of estimate as the case may be, together with the costs, shall exceed the balance remaining in said fund after deducting all outstanding claims against said balance, the comptroller shall and he is hereby authorized to raise, by the issue and sale of revenue bonds, such amounts as shall be necessary to pay such damages, costs and expenses, and said court, upon the application of any owner to whom an award shall be made in such proceeding, and the person in whose favor costs and expenses may be taxed, may require or direct the comptroller to raise the money necessary to enable him to pay such awards, costs and expenses, and from such fund pay the same, except that when any sum or sums shall in said final decree or in the report of the commissioners of estimate, as the case may be, be made to unknown owners, the supreme court shall, upon the application of said city of New York, or of any person entitled to, or claiming to be interested in the real property for which said awards have been made, or any part thereof, either direct the same to be retained by the comptroller, or to be paid into the supreme court, until the title thereto, or the respective estates and interests of all parties therein shall be determined by said court, and upon such application, the said court shall take the proof and testimony of the claimant or person intcrested in the real property for which said award has been made, or refer the matter to a referee for such purpose. In any proceeding heretofore or hereafter instituted pursuant to the provisions of this title, for the acquisition of title to real property by the city of New York, in which title thereto shall have become vested in said city by virtue of a resolution of the board of estimate and apportionment, the said board may authorize the comptroller of said city to pay to the person entitled to an award for real property acquired in a proceeding, in advance of the final determination of his damages, a sum to be determined by the board of estimate and apportionment, not exceeding sixty per centum of the amount estimated as damages by the expert or experts employed by the corporation counsel in said proceeding, which amount shall be certified to the comptroller by the corporation counsel. Before any such advance payment shall be made the comptroller shall procure the certificate of the corporation counsel showing that the person, to whom payment is to be made, is the person legally entitled to receive the same. If the board of estimate and apportionment shall authorize a partial payment in advance to any person entitled to an award, interest on the sum so authorized to be paid in advance shall cease to run on and after a date five days after such person shall have been notified by mail or otherwise that the comptroller is ready to pay the same. In case the person entitled to an award at the date of the vesting of title to the real property in the city shall have transferred or assigned his claim, such transfer or assignment made by him, or by his successor in interest or legal representative, shall not become binding upon the city of New York unless the instrument or instruments evidencing such transfer or assignment shall have been executed and filed in the office of the comptroller of the city of New York as in this title provided, prior to any such advance payment. When any such advance payment shall have been made, the comptroller shall, on paying the awards made for the real property acquired, deduct from the total amount allowed as compensation the sum advanced plus interest thereon from the date of the payment of such advance to the date of the final decree or the date of the report of the commissioner, as the case may be, and the balance shall be paid as herein provided. In case an advance payment shall have been authorized and the person entitled thereto shall have been notified by mail or otherwise that the comptroller is ready to make such advance payment, interest on the amount so authorized to be paid in advance from a date five days after notification by the comptroller that he is ready to make such advance payment to the time the person entitled thereto shall accept such advance payment, shall be deducted by the comptroller on paying the awards therefor from the total amount allowed as compensation to such person. Such advance payment shall be made out of the fund for street and park openings.

Instruments assigning or pledging awards to be filed in the office of the comptroller.

Sec. 982. In case of the pledge, sale, transfer or assignment of an award by the person entitled to receive the same by virtue of the report of the commissioners, or the final decree of the court, as the case may be, or by other order of the court, the instrument evidencing such pledge, sale, transfer or assignment, acknowledged or proved as instruments are required to be acknowledged or proved for the recording of transfers of real property, shall be filed in the office of the comptroller, who shall indorse on the said instrument its number and the hour, day, month and year of its receipt. If an assignment of an award be contained in an instrument recorded in an office in which instruments affecting real property are by law required to be recorded, a certified copy thereof may be filed in the office of the comptroller in place of the original. An index shall be kept in alphabetical order under the name of the pledgor or assignor and also the pledgee or assignee, stating the title of the proceeding, the time of filing of the instrument, the file number thereof, and what part of the award is assigned thereby. A memorandum of the file number of the instrument shall be made by the comptroller on the duplicate decree of the court or the duplicate report of the commissioners, as the case may be, opposite the place where the amount of the award so assigned is set forth. Every such instrument not so filed shall be void as against any subsequent pledgee or assignee in good faith and for a valuable consideration from the same pledgor or assignor, his heirs, administrators or assigns, of the same award or any portion thereof, the assignment of which is first duly filed in the office of the comptroller. Payment to the assignee or pledgee shown to be entitled to the award by such record in the office of the comptroller shall protect the city from liability to any other person or persons.

Moneys of persons under disability, how disposed of; moneys paid to persons not entitled thereto.

Sec. 983. When an owner in whose favor an award shall have been made in a final decree or in a report of commissioners of estimate which has been confirmed by the court, as the case may be, is under legal disability, or absent from the city of New York, and when the name of the owner shall not be set forth or mentioned in the final decree or in the report of the commissioners of estimate, as the case may be, or when the owner, although named in said decree or report, cannot upon diligent inquiry be found, or where there are adverse or conflicting claims to the money awarded as compensation, the city shall pay such award in the supreme court to be secured, disposed of, invested and paid out as the said court shall direct and such payment shall be as valid and effectual in all respects as if made to the person entitled thereto; and in default of such payment into court the city of New York shall be and remain liable for such award with lawful interest thereon from a date one year after the date of the final decree or the date of the entry of the order confirming the report of the commissioners of estimate, as the case may be, to the person or persons who may thereafter be found entitled to the same. Where an award shall be paid to a person not entitled thereto the person to whom it ought to have been paid may sue for and recover the same, with lawful interest and costs of suit, as so much money had and received to his use, by the person to whom the same shall have been so paid. Payment of an award to a person named in the final decree of the court or the report of the commissioners, as the case may be, as the owner thereof, if not under legal disability, shall, in the absence of notice in writing to the comptroller of adverse claims thereto, protect the city.

Sums to be equally and proportionately assessed.

Sec. 984. All moneys paid under the provisions of this title by the city of New York for the real property acquired for the improvement except such part thereof as the board of estimate and apportionment shall direct to be borne and paid by the city of New York shall be assessed by the court or by the commissioner of assessment as the case may be, equally and proportionately, as far as the same may be practicable, upon the real property which the board of estimate and apportionment shall deem benefited by the improvement, and shall be a lien and charge thereon, and shall be applied, levied and collected in the manner provided by law for the assessment, levy and collection of similar expenses and disbursements for the reimbursement of the city treasury.

Sums assessed to be liens; provisions of title three of this chapter not applicable.

Sec. 985. The sums assessed by the court or by the commissioner of assessment as the case may be, for the benefit and advantage of the improvement shall be a lien or charge on the real property specified in the final decree of the court or in the report of the commissioner of assessment as the case may be, but nothing herein contained shall affect any agreement between landlord and tenant or other contracting parties respecting the payment of such assessment. Nothing contained in title three of this chapter relating to the vacation and reduction of assessments shall apply to assessments made and levied pursuant to this title.

Comptroller shall publish notice of filing the final decree of assessments and notice of confirmation of report of commissioner of assessment.

Sec. 986. The corporation counsel shall transmit to the comptroller, immediately after the filing of the final decree of the court as to assesments for benefit or the confirmation of the report of the commissioner of assessment, as the case may be, for any improvement provided for in this title, a duplicate copy of the final decree of the court or a duplicate copy of the report of the commissioner of assessment, together with a certified copy of the order of confirmation as the case may be, relating thereto, and if such assessment affect real property in a borough other than the borough of Manhattan a triplicate copy of the final decree of the court as to the assessments for benefit or a triplicate copy of the report of the commission of assessment, together with a certified copy of the order of confirmation, as the case may be, and the comptroller shall give public notice by advertisement for at least ten days in the "City Record," and the corporation newspapers, as soon as practicable and within ten d.. s after receint thereof that the final decree of the court as to assessments for benefit has been filed or that the report of the commissioner of assessment has been confirmod, as the case may be, specifying the title of such assessment, the date of the filing of the final decree of the court as to assessments for benefit or the date of the entry of the order confirming the report of the commissioner of assesment, as the case may be, and also the date of entry in the "record of assessments confirmed," kept in the bureau for the collection of assessments and arrears, notifying all persons, owners of the real property affected by any such assessment, that, unless the amount assessed for benefit on any parcel of real property shall be paid within sixty days after the date of said entry of any such assessments, interest shall thereafter be collected thereon as provided in the following section; and all provisions of law or ordinance requiring any other or different notice of assessments and interest thereon are hereby repealed.

Interest to be charged on assessments if not paid in sixty days.

Sec. 987. If any such assessment shall remain unpaid for the period of sixty days after the date of entry thereof in the said "record of assessments confirmed," the officer authorized to collect and receive the amount of such assessment shall charge, collect and receive interest thereon at the rate of seven per centum per annum, to be caculated to the date of payment from the date when such assessment became a lien, as provided hy section one hundred and fifty-nine of this act.

Assessments may be set off against award.

Sec. 988. If an owner to whom an award shall have been made in the final decree of the court as to awards or in the report of the commissioners of estimate, as the case may be, also own real property against which an assessment in the final decree of the court as to assessments or in the report of the commissioner of assessment, as the case may be, shall have been entered for collection in the same proceeding, he may, at any time prior to receiving payment of the award, apply to the comptroller and collector of assessments and arrears to have the award set off against the assessment, and thereupon such set-off shall be made as of the date of the entry of the assessment for collection. If the award exceed the assessment, the city shall he liahle for interest only on the amount of such excess. If the assessment exceed the award, the owner assessed shall be liable for interest on the amount of such excess as if no set-off had been made. If it shall appear hy the final decree of the court as to awards or by the report of the commissioners of estimate, as the case may be or otherwise, that a person entitled to an award also owns property against which an assessment in the same proceeding shall have been entered for collection, the city may, without the assent of the person entitled to the award, set off the assessment against the award. Such set-off shall he made hy the city in the same manner and have the same effect as if made on the application of the person entitled to the award.

Notice in proceedings to open streets; how posted.

Sec. 989. Whenever hand bills are required hy statute to be posted in any proceeding provided for in this title, they shall be posted or affixed with paste or other adhesive substance in three conspicuous places upon or near the real property to be taken in such proceeding, and proof by affidavit that such notice has been posted shall be sufficient evidence that said notice remained posted during the whole of the period required by law.

Order of court granting application to condemn and order appointing commissioners to be filed in the office where instruments affecting real property are required to be recorded.

Sec. 990. The corporation counsel shall within ten days after the entry of an order granting an application to condemn or of an order appointing commissioners of estimate, as the case may be, in the office where instruments affecting real property are required in a proceeding authorized by this title, file a copy of such order to be recorded, in the county in which the real property to be acquired is situated. There shall be endorsed upon such copy order a reference to the section and block, or sections and blocks on the land map of the city of New York in and for such county which includes the real property to be taken by such proceeding or abuts thereon. The register or county clerk with whom such copy order shall be filed shall index in the index of conveyances on each block so endorsed on said copy order a statement giving the title of said proceeding and the date of the entry of said order.

Procedure in case property to be acquired is situated in two or more counties; filing of orders, reports and decrees in such cases.

Sec. 991. If the real property to be acquired in any proceeding be situated in two or more counties, the application to condemn such real property, or the motion to appoint commissioners as the case may be, may be made to the supreme court, at any special term thereof, held in any judicial district in which any one of the said counties is situated. If the real property to be acquired in any proceeding be situated in two judicial districts, the application to condemn the same or the motion to appoint commissioners, as the case may be, may be made in either judicial district. The order granting the application to condemn, or the order appointing commissioners, as the case may be, in any such proceeding, shall be entered, and the final decree of the court, or the final report of the commissioners therein, as the case may be, shall be filed in the office of the clerk of any one of the counties in which a part of the property to be thereby acquired is situated, as the court shall direct, and a certified copy of the order granting the application to condemn, or a certified copy of the order appointing commissioners, as the case may be, and a certified copy of the final decree, or a duplicate report of the commissioners, with a certified copy of the order confirming the same, as the case may be, shall be filed in the office in which instruments affecting real property are required to be recorded, in the other county or counties in which any part of the property thereby acquired is situated. In all other respects the proceeding shall be conducted in the same manner as a proceeding affecting real property situated in only one county.

Discontinuance of proceedings by Board of Estimate and Apportionment.

Sec. 992. The board of estimate and apportionment may discontinue any legal proceednig taken for the purpose provided for in this title, as to the whole or a part of the lands to be acquired in such proceeding, at any time before title to the real property to be thereby acquired shall have vested in the city of New York, and may cause new proceedings to be taken for the condemnation of such real property. The resolution of the board declaring any such proceeding discontinued shall effect the discontinuance of such proceeding or such part thereof as may be discontinued. But in case of such discontinuance the reasonable actual cash disbursements, necessarily incurred and made in good faith by any party interested, shall be paid by the city of New York, after the same shall have been taxed by a justice of the supreme court, or by a referee under his special order, upon ten days' notice of such taxation being previously given to the corporation counsel, provided the applicatlon to have such dishursements taxed shall be made and presented to the court within one year after the adoption of the resolution of the board discontinuing the proceeding in whole or in part. The amounts taxed as dishursements shall be due and payable thirty days after written demand for payment thereof shall have been filed with the comptroller.

Discontinuance of a proceeding by the court.

Sec. 993. If persons appearing by the tentative decree to be the owners of a majority in amount of awards and liable for a majority in amount of assessments shall, at any time before the signing by the court of the final decree, apply for the discontinuance of the proceeding, or if upon the application for the confirmation of the report of the commissioners of estimate and of the report of the commissioner of assessment, persons who appear by the said reports to be owners so as aforesaid in amount of awards and liable for a majority in amount of assessments shall appear and object to further proceedings upon the said reports, the court, provided title to the real property being acquired shall not have heretofore vested in the city of New York, and provided the real property being acquired be not required for a public park, parkway, public square or public place, shall order the proceedings to be discontinued, and may, in its discretion, impose as a condition that the persons so objecting or petitioning for such discontinuance shall present to the court a certificate, signed by the comptroller, that the city of New York has been reimbursed for the expenses incurred by it on account of such proceeding.

Amendment of defects, et cetera.

Sec. 994. The court may at any time amend any defect or informality in any notice, petition, pleading, order, report or decree in a proceeding authorized by this title, or cause real property affected hy such defect, informality or lack of jurisdiction to be excluded therefrom, or other real property affected by such defect, informality or lack of jurisdiction to be included therein by amendment, upon ten days' notice, published and posted as provided by this title for the institution of a proceeding, and may direct such further notices to be given to any party in interest as it shall deem proper.

Appeal to the Appellate Division.

Sec. 995. The city of New York or any party or person affected by the proceeding and aggrieved by the final decree of the court therein as to awards or as to assessments, or either of them, or by the order of the court entered on the motion to confirm the report of the commissioners of estimate or of the commissioner of assessment, or either of them, may appeal to the appellate division of the court. Such appeal shall be taken and heard in the manner provided by the code of civil procedure and the rules and practice of the court in relation to appeals from orders in special proceedings, and such appeal shall be heard and determined by such appellate division upon the merits both as to matters of law and fact. The determination of the appellate division shall be in the form of an order. But, the taking of an appeal by any person or persons shall not operate to stay the proceedings under this act, except as to the particular parcel of real property with which the appeal is concerned; and the final decree of the court or the order of the court confirming the report or reports, as the case may be, shall be deemed to be final and conclusive upon all parties and persons affected thereby, who have not appealed. Such appeal shall be heard upon the evidence taken by the court or such part or portion thereof as the justice who made the decree may certify, or upon the evidence taken before the commissioners or such part or portion of such evidence as the justice who made the order confirming the report of the commissioners may certify, or the parties to said appeal may agree upon as sufficient to present the merits of the questions in respect to which such appeal shall be had. An appeal taken but not prosecuted within six months after the filing of the notice of appeal, unless the time within which to prosecute the same shall have been extended by an order of the court, shall be deemed to have been abandoned and no agreement between the parties extending the time within which the said appeal may be prosecuted shall vary the provisions hereof. When a final decree of the court or a report or reports of commissioners shall be reserved on appeal, the court or the commissioners of assessment, as the case may he, shall have power to make such additional assessment tor benefit as may be necessary.

Appeal to Court of Appeals authorized.

Sec. 996. An appeal to the court of appeals may be taken by the city or any person or party interested in the said proceeding and aggrieved by the order of the appellate division. Such appeal shall be taken and heard in the manner provided by the code of civil procedure and the rules and practice of the court of appeals in relation to appeals from orders in special proceedings. An appeal taken but not prosecuted within six months after the filing of the notice of appeal, unless the time within which to prosecute the same shall have been extended by an order of the court, shall be deemed to be abandoned, and no agreement between the parties to the appeal extending the time to prosecute the same shall vary the provisions thereof. The court of appeals may affirm or reverse the order appealed from, and may make such order or direction as shall be appropriate to the case. If the final decree or decrees of the court, or the final report or reports of the commissioners, shall be reversed by the court of appeals, the court or the commissioner of assessment, as the case may be, shall have power to make such additional assessments for benefit as may be necessary.

Columbia College, St. John's College and University of the City of New York; streets not to be opened through grounds of.

Sec. 997. It shall be unlawful to open any streets through the grounds belonging to the corporation of Saint John's College, in its actual occupation at what was formerly known as Fordham, or through or upon any part of the land and premises now owned by the University of The City of New York, extending from Sedgwick avenue to Aqueduct avenue, in the city of New York, and lying immediately south of and adjacent to One Hundred and Eighty-first street, sometime called University avenue, so long as the same shall be owned or occupied for educational purposes by the said university; provided, however, that nothing in this section contained shall be construed to interfere with the opening of One Hundred and Eighty-first street, between Andrews avenue and Aqueduct avenue, at any time hereafter, and provided that the said University of The City of New York shall dedicate without claim or reward for damages all of the land required for East One Hundred and Eighty-first street, between Andrews avenue and Aqueduct avenue. No street from One Hundred and Sixteenth street to One Hundred and Twentieth street, or from Amsterdam avenue to the Boulevard, shall at any time be opened through the grounds of Columbia College, so long as such grounds are owned or occupied for educational purposes.

ARTICLE II.

PROVISIONS RELATING TO PROCEDURE FOR ASCERTAINMENT OF COMPENSATION FOR DAMAGES AND ASSESSMENT FOR BENEFIT BY THE SUPREME COURT WITHOUT A JURY.

Application to the court to condemn.

Sec. 999. Whenever, prior to the first day of January, nineteen hundred and seventeen, the acquisition of title to real property for the purposes herein specified have been duly authorized, as provided by this act, and the board of estimate and apportionment shall have determined that the compensation to be paid to the respective owners of the real property shall be ascertained by the supreme court without a jury, and whenever on and after the first day of January, nineteen hundred and seventeen, the acquisition of title to and property for the purposes herein specified shall have been duly authorized as provided by this act, the corporation counsel shall immediately institute a proceeding to acquire title for the use of the public to the real property required therefor and shall give notice by advertisement published for ten days in the "City Recod," and the corporation newspapers, and by causing copies of said notice in the form of handbills to be posted for the same space of time, in three conspicuous places, upon or near the real property to be affected by the intended improvement, that he intends to make application to the supreme court, at a time and place specified in said notice, to have the compensation which should justly be made to the respective owners of the real property proposed to be taken, ascertained and determined by the supreme court without a jury, and in a proper case to have the cost of such improvement or such portion thereof, as the board of estimate and apportionment shall direct, assessed by the said court upon such real property as may be deemed by the said board to be benefited thereby, indicating in such notice the real property to be taken by a general description by metes and bounds and by a reference to the maps on file in his office, and referring to the area of assessment as fixed by the board of estimate and apportionment. The area of assessment may be described in said notice by means of a map or diagram instead of by metes and bounds. Upon such application the corporation counsel shall present to the court a petition signed and verified by him, setting forth the action had by the board of estimate and apportionment with reference to the improvement and indicating the real property to be acquired by a general description by metes and bounds and by reference to a map which shall be attached to the said petition and to the maps on file in his office, and praying that the same be condemned by the said court without a jury, and in a proper case to have the cost of such improvement or such portion thereof as the board of estimate and apportionment shall direct assessed by the said court upon such real property as may be deemed by said board to be benefited thereby and referring to the area of assessment as fixed by the board of estimate and apportionment.

Order granting application to condemn; property owners to file claims; proof of ownership; trial of proceeding; court to view.

Sec. 1000. At the time and place mentioned in said notice, unless the court shall adjourn the said application to a subsequent day, and in that event, at the time and place to which the same may be adjourned, upon due proof to its satisfaction of the publication and posting of such notice and upon filing the said petition, the court shall enter an order granting the application, which shall be filed in the office of the clerk of the county in which the real property affected is situated. Thereupon the corporation counsel shall file in the office of the clerk of the county in which the real property to be condemned is situated a survey or map showing such real property subdivided into parcels corresponding with the separate ownerships thereof as nearly as the same has been ascertained, and shall cause to be published in ten consecutive issues of the "City Record," a notice containing a general description of the real property to be acquired and a statement that the map or survey thereof has been filed as hereinbefore provided, and requiring that all owners thereof shall on or before a date therein specified file with the clerk of the court of the county in which such real property is situated a written claim or demand, duly verified, in the manner provided by law for the verification of pleadings in an action, setting forth the real property owned by the claimant and his post-office address. The claimant or his attorney shall within the same time serve on the corporation counsel a copy of such verified claim. The proof of title to the real property to be acquired, in all cases where the same is undisputed, together with proof of liens or encumbrances thereon, shall be submitted by the claimant to the corporation counsel or to such assistant as he shall designate. The corporation counsel shall serve upon all parties or their attorneys, who have served on him a copy of their verified claims, a notice of the time and place at which he will receive such proof of title. In all cases where the title of the claimant is disputed it shall be the duty of the court to determine the ownership of such real property upon the proof submitted to the court during the trial of the proceeding. The court shall also have power to determine all questions of title incident to the trial of the proceeding. After all parties who have filed verified claims as herein provided have proved their title or have failed to do so after being notified by the corporation counsel of the time and place when and where such proof of title would be received by him, the corporation counsel shall serve upon all parties or their attorneys who have appeared in the proceeding a notice of trial thereof, and shall file a note of issue with the clerk of the court of the county in which the trial is to be had. The trial shall be had in such county within the City of New York and within the judicial district in which the real property affected by the proceeding is situated as the corporation counsel in the notice of trial shall designate. The notice of trial shall be served at least ten days before, and the note of issue shall be filed at least eight days before, the date for which the same is noticed for trial. The note of issue shall briefly state the title of the proceeding, the date and place of the entry of the order granting the application to condemn, the names and addresses of the parties who have filed claims, the names and addresses of their respective attorneys, and a brief statement as to the extent of the real property to be acquired. The clerk of the court must thereupon enter the proceeding upon the proper calendar according to the date of the entry of the order granting the application to condemn. When notice of trial has been served and note of issue filed the proceeding must remain on the calendar until finally disposed of. It shall be the duty of the justice trying any such proceeding, to view the real property to be thereby acquired, and if he shall deem a view of the real property in the area of assessment necessary or useful he shall also make such view.

Tentative decree.

Sec. 1001. The court after hearing such testimony and considering such proofs as may be offered shall ascertain and estimate the compensation which ought justly to be made by the City of New York to the respective owners of the real property to be acquired; and shall also make a just and equitable estimate of the assessment of the value of the benefit and advantage of such improvement to the respective owners of the real property within the area of assessment and instruct the corporation counsel to prepare separate tabular abstracts of its estimate of damage and of its estimate of assessments for benefit. The tabular abstract of estimated damage and the tabular abstract of the estimated assessments for benefit, respectively, shall set forth separately the amount of loss and damage and of benefit and advantage to each and every parcel of real property affected by the proceeding, and the names of the respective owners of each and every parcel of real property affected thereby as far as the same shall be ascertained, and a sufficient designation or description of the respective lots or parcels of real property acquired and assessed, by reference to the numbers of the respective parcels indicated upon the maps, diagrams or surveys which shall be attached to such tabular abstracts. The court shall in its estimate of assessments assess any and all real property deemed by the board of estimate and apportionment to be benefited, in proportion to the amount of the benefit received. In no case shall any parcel of real property be assessed more than one-half the value thereof, as valued by the court. It shall be lawful if the court shall deem it just and equitable under the circumstances to do so, but not otherwise, to assess any part not exceeding one-third of the estimated value of any building or buildings taken in the proceeding, but not of any other improvement, upon the City of New York. If the board of estimate and apportionment shall determine that real property in one or more entire boroughs is benefited by the improvement and shall determine that such real property in one or more entire boroughs shall be assessed, it shall not be necessary to attach to the abstract of estimated assessments for benefit nor to the final decree, any assessment maps; but in such case the court shall refer in the tabular abstract of estimated assessements for benefit to the several parcels of real property assessed for benefit by their respective block, lot and ward numbers as they are shown and delineated on the tax maps of the city for said borough or boroughs as prepared and kept by the department of taxes and assessments for the current year, in which such tabular abstract of estimated assessments has been prepared and filed. The respective borough presidents shall furnish to the bureau of street openings sets of the tax maps of the City of New York for each borough in duplicate for filing therein and for convenience of reference thereto in the tabular abstract of estimated assessments. The surveyor of the department of taxes and assessments shall make and furnish all necessary surveys and corrections of the ward maps, necessary to keep the maps furnished to the bureau of street openings for the purposes of assessment for benefit as accurate as practicable. Such tabular abstracts shall be signed by the justice trying the proceeding and filed with the clerk of the court in the county in which the real property affected by the proceeding is situated and when so filed shall constitute the tentative decree of the court as to awards for damages and as to assessments for benefit.

Notice of filing the tentative decree; and that objections may be filed thereto; awards not to be reduced nor assessments increased without notice.

Sec. 1002. Upon the filing of the tentative decree the corporation counsel shall give notice by advertisement for fifteen days in the "City Record," and in the corporation newspapers, and when authorized pursuant to this act, in not more than one newspaper published in the borough in which the real property is situated, of the filing of such tentative decree and that the city of New York and all other parties interested in such proceedings, or in any of the real property affected thereby, having any objection thereto, shall file such objections, in writing, duly verified in the manner required by law for the verification of pleadings in an action, setting forth the real property owned by the objector and his post-office address, with said clerk within twenty days after the first publication of said notice, and that the corporation counsel on a date specified in the notice will apply to the justice who made the tentative decree to fix a time when he will hear the parties so objecting. Every party so objecting or his attorney shall within the same time serve on the corporation counsel a copy of such verified objections. Upon such application the justice shall fix the time when he will hear the parties so objecting and desiring to be heard. Similar notice for at least ten days shall be given of the filing of any new, supplemental or amended tentative decree, and for the filing of objections thereto. At the time fixed the justice shall hear the person or persons who have objected to the tentative decree, or to the new, supplemental or amended tentative decree, and who may then and there appear, and shall have the power to adjourn from time to time until all parties who have filed objections and who desire to be heard shall have been fully heard. After the filing of the tentative decree or of any new, or supplemental, or amended tentative decree, no award for damages shall be diminished nor any assessment for benefit increased without notice to the owner of the real property affected or his attorney appearing in the proceeding and an opportunity given for a hearing in regard thereto before signing the final decree.

Final decree; preparation thereof; what to contain; duplicate and triplicate decrees.

Sec. 1003. After considering the objections, if any, and making any corrections or alterations in the tentative decree as to awards for damage or assessments for benefit, which the court shall consider just and proper, the justice trying the proceeding shall give instructions to the corporation counsel as to the preparation of the final decree, which shall consist of the tentative decree altered and corrected in accordance with the instructions of the justice and the final awards as determined by the court set opposite the respective parcel damage numbers in a column headed "final awards" in the tabular abstract of awards for damage and the final assessments as determined by the court set oppo-

site the respective parcel benefit numbers in a column headed "final assessments" in a tabular abstract of assessments for benefit, together with a statement of the facts conferring on the court jurisdiction of the proceeding; and of such other matters as the court shall require to be set forth; also a statement that the amounts set opposite the respective damage parcel numbers in the column headed "final awards" in the tabular abstract of awards of damage constitute and are the just compensation which the respective owners are entitled to receive from the city of New York, and that the amounts set opposite the respective benefit parcel numbers in the column headed "final assessments" in the tabular abstract of assessments for benefit constitute the sums of money to be paid to the city of New York, for the benefit and advantage derived by reason of said improvement, by the respective owners of each parcel so assessed. To the final decree shall be attached the maps, diagrams or surveys hereinbefore referred to, duly corrected, when necessary. The final decree shall set forth the several parcels taken or assessed by reference to the numbers of such parcels on the respective maps, diagrams or surveys and it shall not be necessary to describe any parcels either acquired or assessed by a description of metes and bounds. The final decree shall also set forth the names of the respective owners of the several parcels acquired and assessed for benefit as far as the same shall have been ascertained, but in all cases where the owners are unknown or not fully known to the court, it shall be sufficient to set forth and state in general terms in the decree the respective sums to be allowed and paid to or by the owners of the respective parcels for the loss and damage or for the benefit and advantage, as the case may be, without specifying their names or their estates or interests therein, and in such cases the owners may be specified as unknown. In case the board of estimate and apportionment shall direct that the whole or a portion of the cost and expense of any proceeding shall be assessed by the court upon the real property in one or more entire boroughs, it shall be sufficient in the tabular abstract of final assessments to refer to the respective lots or parcels of real property deemed to be benefited by the improvement by reference to the block, lot and ward number on the tax maps of the city of New York for said boroughs as prepared by the tax commissioners of the city of New York in the manner heretofore provided. Should any errors exist in the tentative decree or in the maps, diagrams or surveys attached thereto or should there occur between the date of the tentative decree and the time of the signing by the court of the final decree any changes in ownership resulting in changes in the size or area, by subdivision or otherwise, of any of the parcels of real property to be required or to be assessed, the court may alter and correct the respective maps, diagrams or surveys to show changes and may make an apportionment of any proposed assessment rendered necessary by any subdivision or other change in the size or area of any parcel assessed between the date of the tentative decree and the time of the signing by the court of the final decree as to assessments so as to show such changes in such final decree. In a proceeding embracing only one street, the court may, when authorized by the board of estimate and apportionment, file a tentative decree as to damages embracing either the entire real property to be acquired or successive sections or parcels thereof, and ascertain and estimate the compensation to be made therefor, and make a separate final decree with reference thereto. Such separate or partial tentative and final decree shall be in the same form, and such proceedings shall be had in respect thereto, as in respect to the tentative and final decree of the court relative to the entire real property required in the proceeding as herein provided for. In case more than one street is joined in one proceeding the board of estimate and apportionment may authorize the court to file a tentative decree of its estimate of damage and of benefits, and a final decree in relation to any one of the streets included in the proceeding. Where partial final decrees as to awards for damages are authorized to be made in proceedings for the opening of a single street, the last final decree as to awards, and the last final decree as to assessments for benefit, shall be filed at the same time. The final decree, together with all of the affidavits and proofs upon which the same is based, shall be filed in the office of the clerk of the county where the real property affected by the proceeding is situated. The final decree, unless set aside or reversed on appeal, shall be final and conclusive as well upon the city of New York, as upon the owners of the real property mentioned therein, and also upon all other persons whomsoever.

ARTICLE III.

PROVISIONS RELATING TO PROCEDURE FOR ASCERTAINMENT OF COMPENSATION FOR DAMAGES AND ASSESSMENTS FOR BENEFIT BY COMMISSIONERS TO BE APPOINTED BY THE COURT.

Notice of application and petition for the appointment of commissioners; their appointment and qualification.

Sec. 1004. Whenever the acquisition of title to real property for any of the purposes herein specified shall have been duly authorized by the board of estimate and apportionment prior to the first day of January, nineteen hundred and seventeen, and the board shall have determined that the compensation to be paid to the respective owners of the real property shall be ascertained by three commissioners of estimate to be appointed by the supreme court, the corporation counsel shall immediately institute a proceeding to acquire title for the use of the public to the real property required therefor, and shall give notice by advertisement published for ten days in the "City Record" and the corporation newspapers and by causing copies of said notice in the form of handbills to be posted for the same space of time in three conspicuous places upon or near the real property to be affected by the intended improvement, that he intends to make application to the supreme court at a time and place specified in said notice, for the appointment of commissioners of estimate and in a proper case of a commissioner of assessment, indicating in such notice the real property required for that purpose, by a general description by metes and bounds and by reference to the maps on file in his office, and referring to the area of assessment fixed by the board of estimate and apportionment. The area of assessment may be described in said notice by means of a map or diagram instead of by metes and bounds. Upon such application the corporation counsel shall present to the court a petition signed and verified by him, setting forth the action had by the board of estimate and apportionment, with reference to the improvement and indicating the real property to be acquired by a general description by metes and bounds and by reference to a map which shall be attached to the said petition and to the maps on file in his office, and praying for the appointment of three commissioners of estimate to ascertain and determine the compensation to be made to the respective owners of the real property to be acquired, and in a proper case for the appointment of a commissioner of assessment to assess the cost of the improvement, or such portion thereof as the board of estimate and apportionment shall direct, upon such real property as may be deemed by said board to be benefited thereby and referring to the area of assessment as fixed by the board of estimate and apportionment. At the time and place mentioned in said notice, unless the court shall adjourn the said application to a subsequent day, and in that event, at the time and place to which the same may be adjourned, upon due proof to its satisfaction, of the publication and posting of such notice and upon filing the said petition, the court shall enter an order appointing three discreet and disinterested persons, who shall be citizens of the United States, all of whom shall be residents of the borough in which the real property to be acquired is situated, commissioners of estimate and one of said commissioners of estimate, commissioner of assessment in said proceeding, for the performance of the duties in this title prescribed. If a single proceeding embrace real property in more than one borough, the commissioners may be residents of any one of such boroughs. The person appointed commissioner of both estimate and assessment shall be so designated in the order appointing the commissioners. The persons so appointed commissioners of estimate shall be subject to the right of challenge on the ground of interest, incapacity or disqualification, to be exercised by the corporation counsel or by any person having an interest in the said proceedings; and if any of them be rejected for good cause, or refuse to serve, then another shall be appointed in his stead by the court. Notice of the appointment of the commissioners of estimate shall be published in ten consecutive issues of the "city Record," and the corporation counsel shall cause a copy of such notice to be served by mail or otherwise any time before the return day specified therein upon such parties or their attorneys as have filed a notice of claim or of appearance in the proceeding. The said notice shall specify the names of the persons appointed as commissioners and fix a day when the parties may be heard at a special term of the supreme court as to the qualifications of the said commissioners. The persons named as commissioners of estimate shall attend at the time and place fixed and may be examined under oath as to their qualifications to act. Any ground of challenge which would disqualify a judge or juror shall be applicable to them, and any challenge must be tried and determined by the court in the manner prescribed by law in respect to the challenge of jurors, and such determination may be accepted to and reviewed as in the case of jurors. Where a challenge is sustained and a new commissioner is appointed, such new commissioner shall be subject to challenge in the same way, to be heard and determined by the court at such time as the court may direct.

Vacancies among commissioners; how filled; two commissioners may act.

Sec. 1005. In case the court shall sustain a challenge to the qualifications of a commissioner, or in case of the failure to qualify, or of the death, or resignation, or neglect or refusal to act, or of removal of any such commissioner of estimate appointed under and by virtue of this title, the court shall, on the application of the city, on notice only to any person interested who may have appeared on the prior application, appoint a discreet and disinterested person, who shall be a citizen of the United States, and a resident of the borough where the real property to be acquired is situated, a commissioner in the place and stead of such commissioner so disqualified on a challenge to his qualifications, dying, resigning, neglecting or refusing to act, or failing to qualify, or removed, and the surviving or acting commissioners, as the case may be, shall have power to proceed in the execution of their duties, until a successor shall be appointed. Such successor appointed as aforesaid shall possess the same qualifications and be subject to challenge upon the same grounds and in the same general manner as hereinbefore provided, and the time and place for the qualification of such successor shall be specified in the order appointing him. In every case of a vacancy among the commissioners of estimate appointed by the court, it shall be lawful for any two of such commissioners so appointed and qualified and who have taken and filed their oaths of office to proceed and to execute and perform the trusts and duties imposed upon them, and their acts shall be as valid and effectual as the acts of all the commissioners so appointed, if they had acted therein, would have been. In all cases, the acts, decisions and proceedings of two of such commissioners of estimate shall be as binding, valid and effectual as if all of the said commissioners named and appointed had concurred and joined therein.

Oath of commissioners.

Sec. 1006. Commissioners when appointed and qualified, and before entering upon the performance of the duties imposed upon them, shall severally take and subscribe before some person authorized by law to administer oaths, the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of the state of New York, and that I will faithfully discharge the duties of the office of commissioner according to the best of my ability." Such oath or affirmation shall be filed in the office of the clerk of the county in which the order appointing the said commissioners shall have been entered.

Commissioners to view and give notice of their appointment.

Sec. 1007. It shall be the duty of all of the commissioners of estimate, when appointed and qualified in a proceeding, to view the real property to be thereby acquired. The commissioner of assessment may view the real property within the area of assessment as fixed and determined by the board of estimate and apportionment, if he shall deem such view necessary or useful. The commissioners shall cause to be published in the "City Record" a notice of their appointment, containing a brief statement of the purposes for which they have been appointed, and requiring all parties and persons interested in the real property to be acquired and having any claim or demand on account thereof, to present the same to them in writing duly verified, in the manner required by law for the verification of pleadings in an action setting forth the real property owned by the claimant and the post-office address of the claimant, with such affidavit or other proof as the owners or claimants may desire, within ten days after the date of such notice and such notice shall specify a time and place after the expiration of said ten days when and where the said parties and persons will be heard in relation thereto by the said commissioners. At the time and place specified in said notice, or at such further or other times and places as the said commissioners may appoint, the said commissioners shall hear such owners and examine the proof of such claimant or claimants, and such additional proof and allegations as may then be offered by such owners, or on behalf of the city of New York. Said commissioners shall refer the taking of proof of title to the real property taken in all cases where the same is undisputed, and also proof as to any lien or encumbrance thereon, to the clerk of said commissioners or to the assistant corporation counsel in charge of the proceeding. The corporation counsel may obtain from any of the title companies certificates of title to the real property affected and of the liens and encumbrances thereon, whenever, in his judgment, necessary.

Commissioners to administer oaths; impose conditions for opening default; compel witnesses to testify.

Sec. 1008. The commissioners of estimate and the commissioner of assessment duly appointed in proceedings authorized by this title may issue subpoenas and administer oaths to witnesses. The said commissioners may, as a condition for the opening of a default, require the party applying therefor to pay the fees of the commissioners, and the clerical expenses of the commissioners, for the additional meeting or meetings of the commissioners made necessary by the default of such parties. The commissioners shall reduce any testimony taken before them to writing. Upon the application of any person or persons whose rights may be affected by the said estimate or assessment, verified by the oath or affirmation of such applicant or his

agent, that any witness, residing or being in the city of New York, whose testimony is material or necessary to such party, refuses to appear before any officer authorized to take such affidavit to testify or affirm to such material or necessary matter as he may know, any one of the said commissioners of estimate or the commissioner of assessment in the proceeding may issue a subpoena under his hand, requiring such witness to appear and testify to such matters as he may know concerning the said estimate or assessment, at such time and place as the said commissioner may designate in such subpoena. A person served with such subpoena, who shall, without reasonable cause, refuse or neglect to appear, or appearing, shall refuse to answer, under oath or affirmation, concerning the matters aforesaid, shall forfeit to the party injured one hundred dollars; and may also be committed to prison by an justice of the supreme court upon application duly made on behalf of the commissioner who issued such subpoena, there to remain, without bail and without the liberties of the jail, until he shall submit to answer, under oath or affidavit, as aforesaid. The testimony of such witness when given shall be reduced to writing in the presence of and be shown or affirmed to before such commissioner.

Fees of Commissioners.

Sec. 1009. Each of the commissioners of estimate shall receive ten dollars for each day upon which he attends a meeting of said commissioners and is actually and necessarily employed in the performance of the duties imposed upon the commissioners by this act, at the offices provided for said commissioners by the bureau of street openings in the law department, or at a meeting of the commissioners to view the premises provided the time necessarily required and actually spent at such meetings exceeds one hour; and for each of all other meetings attended by the said commissioners in which they are actually and necessarily employed in the performance of their duties, they shall each receive five dollars. But no compensation shall be allowed under this section to the commissioners of estimate for any meeting or time occupied by them after one month has elapsed from the closing of the public hearings in the proceeding. And provided further that the compensation of the commissioner of assessment over and above his compensation as commissioner of estimate shall not exceed a sum equivalent to fifty cents for each twenty-five hundred square feet of lands embraced in the area of assessment and assessed by him.

Commissioners to ascertain damage and benefit and prepare tabular abstracts thereof.

Sec. 1010. After hearing such testimony and considering such proofs as may be offered, the commissioners of estimate or a majority of them, all having considered the same, or having had an opportunity to present, shall, without unnecessary delay, ascertain and estimate the compensation which ought justly to be made by the city of New York to the respective owners of the real property acquired; and the commissioner of assessment shall make a just and equitable assessment, of the value of the benefit and advantage of the improvement to th eowners of the real property not ment of the owners of the real property not commissioners of estimate and the commissioner of assessment shall prepare separate tabular abstracts of their estimate of damage and of assessments for benefit. The commissioner of assessment shall, in his tabular abstract of estimated assessments, assess any and all real property within the area or area of assessment fixed and prescribed by the board of estimate and apportionment, in proportion to the amount of benefit received by each parcel of real property so assessed. The said commissioner of assessment shall in no case assess any parcel of real property more than one-half the value thereof as valued by him. It shall be lawful for the said commissioner if he shall deem it just and equitable under the circumstances to do so, but not otherwise, to assess any part not exceeding one-third of the estimated value of any building or buildings taken in the proceeding, but not of any other improvement, upon the city of New York.

Abstracts of estimate of damage and of assessments for benefit to be deposited.

Sec. 1011. The commissioners of estimate and the commissioner of assessment shall deposit at the same time in the bureau of street openings in the law department their respective tabular abstracts of their estimate of damage or of estimate of assessments for benefit at least twenty days before their respective reports shall be presented to the court for confirmation, which tabular abstracts shall be accompanied by copies of the maps, diagrams or surveys used by them and shall refer to the numbers of the several parcels of real property as thereby indicated, and state the several sums respectively estimated as damages for or assessed for benefit upon each of said parcels with the names of the respective owners, so far as ascertained by said commissioners. Whenever the board of estimate and apportionment shall direct that the whole or a part of the cost and expense of the proceeding shall be levied on one or more entire boroughs, it shall not be necessary to attach to the tabular abstract of estimated assessments for benefit made by the commissioner of assessment, nor to his report, any assessment maps; but he shall designate in the tabular abstract of estimated assessments made by him the several parcels of real property assessed for benefit by reference to their respective block, lot and ward numbers as shown and delineated on the tax maps of the city of New York for said borough or boroughs, as prepared and kept by the department of taxes and assessments for the levying and payment of taxes for the current year in which such tabular abstract of estimated assessment shall have been prepared. The respective borough presidents shall furnish to the bureau of street openings sets of the tax maps of the city of New York for such borough in duplicate for filing therein and for convenience of reference thereto in the abstracts and reports of the respective commissioners of assessment. The surveyor of the department of taxes and assessments shall make and furnish all necessary surveys and corrections of the maps as may be necessary to keep the maps furnished to the bureau of street openings, for the purpose of assessment for benefit, as accurate as practicable. The commissioners shall also deposit all the affidavits and proofs used by them in making their abstracts. The commissioner shall also publish a notice for fifteen days in the "City Record" and in the corporation newspapers and when authorized pursuant to this act, in not more than one newspaper published in the borough in which the real property is situated, stating their intention to present their reports for confirmation to the said court at a time and place to be specified in said notice, provided there be no objection to either of said abstracts, and stating also that all persons interested in such proceedings, or in any of the real property affected thereby, having any objection thereto, shall file the same, in writing, duly verified, in the manner required by law for the verification of pleadings in an action setting forth the real property owned by the objector and his post-office address, with said commissioners within twenty days after the first publication of said notice, and stating also that the said commissioners will hear parties so objecting at a place and at a time after the expiration of said twenty days, to be specified in said notice. Similar notice for at least ten days shall be given of any new, supplemental or amended abstracts, but said abstracts shall be refiled for ten days only for objections thereto. At the time and place named in said notice the said commissioners shall hear the persons who have objected to the said abstracts, and who may then and there appear, and shall have the power to adjourn from time to time until all such persons shall be fully heard. In case objections are filed to these abstracts or to any one of them, the motion to confirm the reports as to awards and as to assessments shall stand adjourned until a date to be specified in the notice hereinafter provided for in relation to the filing of the reports. Except as herein otherwise provided, the report as to awards and the report as to assessments must be noticed for and brought on for confirmation at the same time and place.

Awards not to be reduced nor assessments increased without notice and an opportunity to be heard.

Sec. 1012. It shall not be lawful for the commissioners of estimate or the commissioner of assessment to alter or amend any abstract or report, or supplemental or amended abstract or report, after the same shall have been deposited for inspection as required by law, by increasing the amount of any assessment for benefit, or diminishing any award for damage, unless the persons, or parties, affected by such increase, or diminution shall have had notice thereof and an opportunity of being heard by said commissioners before their report shall be presented to the court for confirmation.

Commissioners to present reports to court.

Sec. 1013. The reports, signed by the commissioners of estimate or a majority of them, and by the commissioner of assessment, respectively, shall, in the event that no objections have been filed to the tabular abstract of estimated damages or to the tabular abstract of estimated assessments for benefit, be filed at the same time in the office of the clerk of the county where the real property affected by the proceedings is situated at least five days before the time mentioned in said preliminary notice for the presentation of said reports to the court for confirmation, or five days before the date to which the same shall have been duly adjourned. In case objections have been filed, the said commissioners, after considering the said objections and making any corrections or alterations of their tabular abstract of estimated damages or tabular abstract of estimated assessments for benefit, which said commissioners of estimate or any two of them, or which the said commissioner of assessment shall find to be just and proper, shall file the said reports, signed by the commissioners of estimate or a majority of them, and by the commissioner of assessment, respectively, at the same time, in the office of the clerk of the county where in the real property affected by the proceeding is situated, at least five days before the motion to confirm the same, and a new notice of motion to confirm shall be given upon the filing of the final reports to the persons who have appeared in the proceeding as well as by publication in the "City Record" for five days. The said commissioners, or any person interested in said proceeding, shall notify the corporation counsel, and all persons who have filed objections as aforesaid, or who have theretofore appeared, that said report or reports have been filed. The corporation counsel may present the same for confirmation or in case of his neglect or refusal, any person interested in the real property taken or required for said improvement may present the same, upon notice to the corporation counsel.

Reports: what to contain.

Sec. 1014. The reports of the commissioners shall consist of the maps, diagrams or surveys hereinbefore referred to, duly corrected, when necessary, except in the case of an assessment to be levied upon any entire borough or boroughs, with a tabular abstract of estimated damages and a tabular abstract of the estimated assessments for benefit respectively, with any corrections or alterations thereof by said commissioners, showing fully and separately to the said court the amount of loss and damage, and of benefit and advantage to each and every owner of real property affected by the proceeding as finally determined by said commissioners. It shall not be necessary in said reports to describe any of said parcels of real property taken or assessed by metes and bounds, but only by reference to the respective numbers thereof on the maps, diagrams or surveys attached to said reports. In said reports the commissioners shall set forth the names of the respective owners of the several parcels of real property taken or assessed as far as the same shall have been ascertained by them but in all cases where the owners are unknown, or not fully known to the commissioners it shall be sufficient to set forth and state in general terms the respective sums to be allowed and paid to or by the owners for the loss and damage or for the benefit and advantage, as the case may be, without specifying the names of or the estates or interests of such owners and in such cases the commissioners may specify the owners of such parcels as unknown. In case the title to any parcel of real property to be acquired is disputed or there are adverse claims thereto the commissioners of estimate shall make the award therefor to unknown owners. In case the board of estimate and apportionment shall direct that the whole or part of the cost and expense of any proceeding shall be imposed by the commissioner of assessment upon any entire borough or boroughs it shall be sufficient in his tabular abstract of final assessment attached to his report to designate the respective parcels of real property deemed to be benefited by the improvement by reference to their respective block, lot and ward numbers on the tax maps of the city of New York for said boroughs, as prepared by the tax commissioners of said city for the current year in which such report shall have been prepared. Should any errors exist in the tabular abstract of estimated damages or of estimated assessments for benefit or in the maps, diagrams or surveys attached thereto, or should there occur between the date of such tabular abstracts and the time of the preparation and signing of the reports as to damages and as to assessments for benefit, any changes in ownership, resulting in changes in the size or area, by subdivision or otherwise, of any of the parcels of real property to be acquired or to be assessed the commissioners of estimate or the commissioner of assessment, as the case may be, may alter and correct the respective maps, diagrams or surveys and the commissioner of assessment may make an apportionment of any proposed assessment rendered necessary by any subdivision or other change in the size or area of any parcel assessed between the date of the tabular abstract as to assessments and the time of the signing by the commissioner of assessment of his report as to assessments for benefit. The commissioners of estimate in a proceeding, embracing only one street, may, when authorized by a majority vote of all the members of the board of estimate and apportionment, make up and file a preliminary abstract of their estimate of damages embracing either the entire real property to be acquired or successive sections or parcels thereof, and ascertain and estimate the compensation to be made therefor, and make a separate report with reference thereto. Such separate or partial report shall be made in the same form and manner, and such proceedings shall be had in respect thereto, as in respect to the report of the commissioners relative to the entire real property taken as herein provided for. In case more than one street is included in a proceeding the board of estimate and apportionment may direct the commissioners to make up and file a tabular abstract of estimated damages and of estimated assessments for benefit, and a final report in relation to any one of the streets included in the proceeding but the commissioner of assessment must

notice the report as to assessments and bring the same on for confirmation at the time that any separate report as to awards for damages for such street is authorized to be brought on for confirmation. Where partial reports as to awards for damages are authorized to be made in proceedings for the opening of a single street, the final partial abstract and report as to awards when there is more than one and the final abstract and report as to assessments for benefit, shall be made up and filed and brought on for confirmation at the same time and place.

Proceedings upon presentation of reports for confirmation.

Sec. 1015. The application for the confirmation of the reports of the commissioners of estimate and of the commissioner of assessment shall be made to the supreme court, at the same time, at a term thereof held within the city of New York, and within the judicial district in which the real property affected by the proceeding is situated. The said court shall by rule or order, after hearing any matter which may be alleged against the same, either confirm the said report or reports in whole, or in part, or refer the same, or a part thereof, to the said commissioners for revisal and correction or to new commissioners to be appointed by the said court to reconsider the subject-matter thereof, and the said commissioners to whom the said report or reports or part thereof shall be so referred shall return the same report or reports, or such part thereof, corrected and revised or a new report to be made by them or him in the premises, to the said court without unnecessary delay; and the same on being so returned shall be confirmed or again referred by the said court in manner aforesaid, as right and justice shall require, and so from time to time until a report or reports shall be made or returned in the premises which the said court shall wholly confirm, and such report or reports, when so confirmed by the said court, shall, unless set aside or reversed on appeal, be final and conclusive, as well upon the city of New York as upon the owners of the real property mentioned in the said report; and also upon all other persons whomsoever. The original report of the commissioners of estimate and of the commissioner of assessment shall be filed in the office of the clerk of the county where the order confirming the same is entered.

Within what time proceedings to be completed; removal of commissioners.

Sec. 1016. The commissioners appointed in pursuance of this title shall complete said proceedings on their part within six months from the receipt by the bureau of street openings of the final damage and benefit maps, under penalty of forfeiting all fees to which they would be entitled, unless an extension of time be given to them by the supreme court, which extension shall only be granted in the discretion of the court, upon a written petition containing a full statement by such commissioners of the reasons for such an extension, and upon five days' notice to the corporation counsel, and to all persons who have appeared in said proceeding, and have especially requested that notice of any such application be served upon them. Upon such application the court may make such order in the premises in respect to the time and manner of completing the report of said commissioners, and in respect to the taking and submission of the proofs of the parties interested, as will enable or require the commissioners to complete said proceedings on their part with reasonable despatch; and if it shall appear that the said proceeding has been delayed by reason of the inattention, neglect or refusal of said commissioners, or any of them, to act or attend, or of the failure of a majority of them to agree upon a report, the court may remove the commissioner or commissioners so neglecting or refusing, or the commissioners failing to agree and appoint a suitable person or persons in his or their place. And the said court may, at any time, remove any of said commissioners who, in its judgment, shall be incapable of serving, or who shall, for any reason, in its judgment, be an unfit person to serve as such commissioner. The reason for such removal shall be specified in the order of removal.

TITLE 5.

SALES OF TAX LIENS ON LANDS FOR TAXES, ASSESSMENTS AND WATER RENTS.

When taxes and water rents to be liens on lands assessed.

Sec. 1017. All taxes and all assessments for local improvements and all water rents, and the interest and charges thereon, which may, in the city of New York, as by this act constituted, hereafter be laid or may have heretofore been laid, upon any real estate now in said city, shall continue to be, until paid, a lien thereon, and shall be preferred in payment to all other charges. No assessments for any local improvements shall be deemed to be fully confirmed, so as to be due and be a lien upon the property included in the assessment, until ten days after the title thereof, with the date of confirmation, shall be entered with the date of such entry, in a record of the titles of assessments confirmed to be kept in the office of the collector of assessments and arrears. The words "water rents" whenever they are used in this title shall include uniform annual charges and extra and miscellaneous charges for the supply of water, charges in accordance with meter rates and minimum charges for the supply of water by meter, annual service charges for meters and their connections and for their setting, repair and maintenance, penalties and fines and all lawful charges for the supply of water. No charge for expenses of meters, their connections, setting, repair or maintenance shall be due or become a charge or lien on the premises where a water meter shall be installed or against which a charge shall be made, until such charge shall have been definitely fixed by the proper officer and an entry of the amount thereof shall have been made with the date of such entry in the book in which the charges for water supplied by meter against such premises are to be entered. No charge in accordance with meter rates or minimum charge for the supply of water measured by meter, and no service charge shall be due or become a lien or charge upon the premises where such meter is installed until an entry shall have been made indicating that said premises are metered, with the date of such entry in the book in which the charges for water by meter measurement against such premises are to be entered. Whenever an increase in the uniform annual charge or extra or miscellaneous charge shall have been made or a charge shall have been made for water for any building completed subsequent to the first day of January in each year the amount of such increase of the charge or new charge for such new building shall not be due or become a lien or charge against the premises until the amount thereof shall have been entered with the date of such entry in the book in which the uniform annual charges and extra or miscellaneous charges against such premises are to be entered.—As amended by Laws of 1916, Chap. 662.

Comptroller to publish notice of confirmation of assessments.

Sec. 1018. It shall be the duty of the comptroller to give public notice, by advertisement, for at least ten days, in the City Record and the corporation newspapers, as soon as practicable and within ten days after the confirmation of any assessment, for a local improvement, that the same has been confirmed, specifying the title of such assessment, and the date of its confirmation, and also the date of entry in the record of titles of assessments kept in the office for the collection of assessments and of arrears of taxes and assessments, and of water rents, addressed as a class to all persons, owners of property affected by any such assessments, that unless the amount assessed for benefit on any person or property shall be paid within sixty days after the date of said entry of any such assessment, interest shall be thereafter collected thereon as provided in the following section; and all provisions of law or ordinance requiring any different or other notice of assessments and interest thereon are hereby repealed.

Interest to be charged if assessment unpaid for sixty days; Payment in installments.

Sec. 1019. If any such assessment shall remain unpaid for the period of sixty days after the date of the entry thereof on the said record of titles of assessments, it shall be the duty of the officer authorized to collect and receive the amount of such assessment to charge, collect and receive interest thereon, at the rate of seven per centum per annum, to be calculated to the date of payment from the date when such assessment became a lien as provided by section one hundred and fifty-nine of this act, provided, however, that the officer authorized to collect and receive such assessment shall accept and credit as payments on account of assessments now or hereafter levied against any parcel or plot of property for local improvements in the city of New York, such sums of money not less than ten dollars or multiples thereof in amount, as may be tendered for payment on account of any assessment now or hereafter levied for local improvements against any property. Upon requisition by the collector of assessments and arrears for the assessed valuation of the property affected by any assessment, the commissioners of taxes and assessments or their deputy in the borough in which such property is located, shall forthwith certify the same to said collector.—As amended by Laws of 1913, Chapter 685.

Payment in installments of assessments confirmed after January first, Nineteen Hundred and Eight.

Sec. 1019-a. Upon the application in writing of the owner of a parcel of real property affected by an unpaid assessment for a local improvement confirmed after the first day of January, nineteen hundred and eight, the amount of which exceeds three per centum of the valuation of such parcel, exclusive of improvements thereon, made in the annual assessment for the purpose of taxation in the calendar year next preceding such confirmation, the collector of assessments and arrears shall divide the assessment upon such parcel into ten parts as nearly equal as may be. One part thereof in any event shall be due and payable, and in each case as many more of such parts shall be due and payable as years may have elapsed since the entry of such original assessment for collection. Such parts thereof with interest at the rate of seven per centum per annum on the amount of the assessment unpaid, shall be paid within ten days after such division as a condition of the extension of time of payment of the remainder as provided in this section. Upon payment of such parts and interest the balance of such assessments shall cease to be a lien upon such real property except as hereinafter provided; and the remaining parts shall be paid in annual installments as herein provided. Of such installments, the first with interest at the rate of five per centum thereon and on the installments thereafter to become due, from the date of payment of the parts of such assessment paid as hereinbefore provided, shall become due and payable and be a lien on the real property assessed, on the next ensuing anniversary of the date of entry of the assessment in the record of titles of assessments confirmed; and one, with interest at the rate of five per centum per annum thereon and on the installments thereafter to become due, shall become due and payable and be a lien upon the real property assessed, annually thereafter. After the time therein specified for annual installment and interest to become due, the amount of the lien thereof shall bear interest at the rate of seven per centum per annum. The installments not due with interest at the rate of five per centum per annum to the date of payment may be paid at any time. The provisions of this act with reference to the sale of tax liens shall apply to the several unpaid installments and the interest thereon, in the same manner as if each installment and the interest thereon had been imposed as an assessment payable in one payment, at the time such installment became a lien. In the event of the acquisition by condemnation by the city for public purposes of any property upon which there are installments not due, such installments shall become due as of the date of confirmation of the report of the commissioners in the condemnation proceedings, and shall be set off against any award that may be made for the property acquired. When an award for damage shall accrue to the same person who is or was at the time the [illegible] entered, liable for

the assessment for benefit on the abutting property in the same proceeding, only the portion of the assessment in excess of such award may be considered in levying in installments under the provisions of this act. Except as provided in this section, no such annual installments shall be a lien or deemed to be an incumbrance upon the title to the real property assessed until it become due as herein provided. [As amended by Chap. 598, Laws of 1915.]

Rate.

Sec. 1020. Interest shall hereafter be charged and collected at the rate of seven per centum per annum on all arrears of taxes and assessments returned to the collector of assessments and arrears from the time they become due and on water rents and the penalties thereon from the time the taxes become due, to which they may be added until the date of payment, or until such other date when the amount thereof may have been advanced to the city by the purchaser of the tax lean in respect thercof.—As amended by Laws of 1908, Chap. 490.

Apportionment of assessment.

Sec. 1021. If a sum of money in gross has been or shall be assessed for local improvements, upon any lands, or premises in The City of New York, any person or persons claiming any divided or undivided part thereof may pay such part of the sums of money so assessed, also of the interest and charges due or charged thereon, as the comptroller may deem to be just and equitable; and the remainder of the sum of money so assessed, together with the interest and charges, shall be a lien upon the residue of the land and premises only, and the tax lien upon such residue may be sold in pursuance of the provisions of this act, to satisfy the residue of such assessment, interest, or charges thereon, in the same manner as though the residue of said assessment had been imposed upon such residue of said land or premises.—As amended by Laws 1908, Chapter 490.

Unpaid Water Rents Returned to Comptroller.

Sec. 1022. The commissioner of water supply, gas and electricity annually on the first day of November shall cause to be transmitted to the comptroller a separate account for each section or ward of the city of all lots against which there is unpaid any uniform annual charge or extra or miscellaneous charge for supply of water not metered which became payable on or before the thirty-first day of the preceding March, with any fine for violation of rules or regulations imposed on or before the thirty-first day of March, and any unpaid penalty for non-payment of the charge, together with the amount due for such charge, penalty or fine on each lot. He shall also annually on the first day of November cause to be transmitted to the comptroller a similar separate account for each section or ward of the city of all lots against which there are unpaid any minimum or service charges or meter charges, including charges for the supply of water by meter and the expenses of meters and their connections, and of their setting, repair, and maintenance, which became payable before the thirty-first day of the preceding March with any fine for violation of rules and regulations imposed before the thirty-first day of March, and any unpaid penalty for non-payment of the charges, together with the amount due for any such charge, penalty or fine on each lot. The commissioner shall at the same time notify the comptroller of the aggregate of such charges as returned and shall hereafter receive no payment on account of the same, but may, nevertheless, certify to the comptroller any error or overcharge, which shall pursuant to such certificate he corrected and remitted by the comptroller at any time before settlement. The said commissioner is hereby authorized to prescribe a penalty or fine not exceeding the sum of five dollars for each offense for permitting water to be wasted and for any violation of such reasonable rules as he may from time to time prescribe for the prevention of the waste of water. Such fine shall be added to the water rents, but when imposed against any property notice thereof shall be mailed by the department to the property addressed to the owner or where his name is unknown to "owner or occupant," and a hearing afforded. The charges, penalties and fines not paid to the department and returned by the commissioner to the comptroller shall after they are payable to the receiver of taxes be enforced, if not paid, by a sale of tax llen against the property upon which they are imposed. In addition to collecting water rents, charges, penalties and fines by sale of tax lien, the city may maintain an action for their recovery against the person for whose benefit or by whom the water is taken or used. Prior to the time that such charges transmitted to the comptroller are entered upon the taxrolls and become payable to the receiver of taxes payment thereof may be made to the comptroller and such payment shall be credited by the receiver of taxes.—As amended by Laws of 1916, Chapter 602.

Receiver of taxes to return arrears to the collector.

Sec. 1023. The receiver of taxes shall, on the first day of March in each year, make a return to the collector of assessments and arrears, of all taxes on real estate and of water rents, which have been added thereto, remaining unpaid, and shall notify the comptroller of the aggregate amount of arrears so returned, and balance on his books the accounts of the arrears so returned, by charging the amount thereof to the said collector, and shall thereafter receive no payments on accounts of arrears so returned, but may nevertheless certify to the collector of assessments and arrears any errors which shall, upon such certificate, be corrected by the said collector any time before settlement.—As amended by Laws of 1911, Chapter 673.

Notifying taxpayers of assessments.

Sec. 1023-a. 1. The owner of any lot, piece or parcel of land in The City of New York or any person interested in such lot, piece or parcel, may file with the bureau for the collection of assessments and arrears of taxes and assessments and of water rents in the borough wherein such lot, piece or parcel of land is situated, a statement containing a brief description of such land, together with the section, block and lot number thereof, or such other designation as at the time is established by the board of taxes and assessments, and a statement of the applicant's interest therein, together with a written request that such lot, piece or parcel of land be registered in the said bureau, in the name of the applicant. In the said statement the applicant shall designate a postoffice address to which notifications addressed to him shall be sent. A brief description of such lot, piece or parcel of land corresponding to the description thereof in the statement so filed, together with the name of the applicant and his post-office address and the date of such application, shall thereupon be registered in the respective borough offices of said bureau as hereinafter provided.

2. As soon as any assessment for a local improvement shall have been confirmed, including assessments confirmed by a court of record, and the list thereof shall have been entered and filed in the bureau for the collection of assessments and arrears of taxes and assessments and of water rents, said assessment list shall be examined and thereupon, within twenty days after such entry there shall be mailed a notice addressed to each person in whose name any lot, piece or parcel of land, affected by such assessment, is registered, at the post-office address registered in the records of said bureau, which notice shall contain the brief description of the lot, piece or parcel of land registered in the name of the person to whom said notice is addressed, together with the amount assessed thereon, date of entry, and title of the improvement for which said assessment is made, and a statement of the rate of interest or penalty imposed for the non-payment of the said assessment, and the date from which the interest or penalty will be computed. Failure to comply with the provisions of this act, however, shall in no manner affect the validity or collectibility of any assessment for a local improvement heretofore or hereafter confirmed, nor shall any claim arise or exist against The City of New York, the comptroller, the collector of assessments and arrears or any officer of said city by reason of such failure.

3. The collector of assessments and arrears shall for the purpose of this act provide appropriate records for each section of the city, included within the respective boroughs, as the same shall appear upon the tax maps of The City of New York. [As amended by Laws of 1913, chap. 683.]

Water rents to be provided for in assessment rolls.

Sec. 1024. There shall be ruled in the yearly assessment-rolls of each section or ward a column headed "water rents" in which immediately after the confirmation of such assessment-rolls, the collector of assessments and arrears shall cause to be entered opposite the ward, lot, town block and map numbers of the property on which the said arrears may be due, the amounts due for "water rents" and the expenses of meters, with their connections and setting, water rates and other lawful charges for the supply of water measured by meters, as transmitted to him by the commissioner of water supply, gas and electricity, in accordance with the law, and the same shall be collected at the same time and in the same manner as the taxes to which they shall be added.—As amended by Laws 1908, Chapter 490.

Arrears likewise to be provided for.

Sec. 1025. There shall be ruled in the yearly assessment rolls of the taxes in each section or ward, a column headed "arrears," in which the collector of assessments and arrears shall annually, before any taxes for the year are collected, cause to be entered the word "arrears" opposite to the ward, lot, town block and map numbers on which any arrears of taxes, or of taxes with the water rent added, shall be due, or on which any assessment shall remain unpaid which was due or confirmed one month prior to the first of January, then last past.

Sec. 14. This act shall take effect on the first day of January in the year nineteen hundred and twelve; provided, however, that where by the terms of this act and of the Greater New York charter as hereby amended, it is provided that any act or thing shall be done prior to January first, nineteen hundred and twelve, in order to effectuate and carry out the levy and collection of taxes for the year nineteen hundred and twelve, then as to such acts and things, this act shall take effect from and after its passage and shall be in force immediately, anything herein contained to the contrary notwithstanding; and provided further that nothing in this act contained shall in any wise affect or invalidate the taxes levied or to be levied in The City of New York for the year nineteen hundred and eleven, or any prior year, or the collection thereof, and that in so far as the provisions of the Greater New York charter by this act amended in any wise affect the taxes levied or to be levied in The City of New York for the year nineteen hundred and eleven, or any year prior thereto, the sections of the Greater New York charter hereby amended are to be deemed in full force and effect to the same extent as though this act had not been passed.—As amended by Laws of 1911, Chapter 455.

Bills for taxes to show arrears.

Sec 1026. There shall be ruled a column for "arrears" in every bill rendered for taxes for lots on which said arrears or assessments, or taxes with water rents added, may be due, as aforesaid, or may have been sold and yet be redeemable, in which shall be written opposite the entry of the ward, lot, town block and

map number of said lot, "arrears," and at the bottom of said bill shall be printed: "Whenever any tax or assessment shall remain unpaid for three years or any water rent shall remain unpaid for four years the tax lien on the property will be sold to satisfy such arrears of taxes, assessments or water rents, and all taxes, assessments and water rents up to a day to be named in the advertisement of sale as stated therein. The columns for arrears indicate lots sold for arrears, or to be sold therefor; arrears to be paid and lots redeemed at the office of the collector of assessments and arrears."—As amended by Laws 1908, Chapter 490.

Sales of tax liens for taxes and assessments; proceedings.

Sec. 1027. The right of the city to receive taxes, assessments and water rents and the lien thereof, may be sold by the city, and after such sale, shall be transferred in the manner provided by this title. The right and lien so sold shall be called "tax lien" and the instrument by which it is assigned shall be called "transfer of tax lien." Whenever any tax on lands or tenements or any assessments on lands or tenements for local improvements shall remain unpaid for the term of three years from the time the same shall have been fully confirmed, so as to be due and payable and also whenever any water rents in said city shall have been due and unpaid for the term of four years from the time the same shall have been due, it shall and may be lawful, for the collector of assessments and arrears, under the direction of the comptroller, to advertise the tax liens on the said lands and tenements or any of them for sale, including in such advertisement the tax lien for all items up to a day named in the advertisement, and by such advertisement the owner or owners of such lands and tenements respectively shall be required to pay the amount of such tax, assessment, or water rents with the said penalties thereon so remaining unpaid, together with the interest thereon at the rate of seven per centum per annum to the time of payment, with the charges of such notice and advertisement, to the said collector, and notice shall be given by such advertisement that if default shall be made in such payment the tax lien on such lands and tenements will be sold at public auction at a day and place therein to be specified, for the lowest rate of interest, not exceeding twelve per centum per annum, at which any person or persons shall offer to take the same in consideration of advancing the said tax, assessment and water rents and penalties, as the case may be, the interest thereon as aforesaid to the time of sale, the charges of the above mentioned notices and advertisement and all other costs and charges accrued thereon; and if, notwithstanding such notice, the owner or owners shall refuse or neglect to pay such tax assessment, water rents and penalties, with the interests as aforesaid, and the charges attending such notice and advertisement, then it shall and may be lawful for the said collector under the direction of the said comptroller, to cause such tax lien on such lands and tenements to be sold at public auction, for the purpose, and in the manner expressed in the said advertisement, and such sale shall be made on the day and at the place for that purpose mentioned in the said advertisement, and shall be continued from time to time, if necessary, until all the tax liens on the lands and tenements so advertised shall be sold. But the tax lien on houses or lots, or improved or unimproved lands, in The City of New York, shall not be hereafter sold at public auction for the non-payment of any tax, assessment or water rents which may be due thereon, unless notice of such sale shall have been published once in each week successively for three months in the City Record and the corporation newspapers, which advertisement shall contain, appended to said notice, a particular and detailed statement of the property the tax lien on which is to be sold. Or the said detailed statement and description, instead of being published in the City Record and the corporation newspapers, shall, at the option of the said comptroller, be printed in a pamphlet, in which case copies of the pamphlet shall be deposited in the office of the said collector, and shall be delivered to any person applying therefor. And the notice provided for in this section to be given of the sale of tax liens on houses and lots and improved and unimproved lands, shall also state that the detailed statement of the taxes, assessments, or water rents, and the property taxed, assessed, or on which the water rents are unpaid, is published in the City Record and the corporation newspapers, or in a pamphlet, as the case may be, and that copies of the pamphlet are deposited in the office of the said collector, and will be delivered to any person applying for the same. No other notice or demand of the tax, assessment or water rent shall be required to authorize the sale of tax liens on any lands and tenements as hereinbefore provided. The collector of assessments and arrears may, with the written approval of the comptroller, cancel any certificate or lease or transfer of tax lien for unpaid taxes, assessments and water rents, held by The City of New York, or to which the city has acquired the right, and upon such cancellation the lien of such tax, assessment or water rent shall be and remain the same as if no sale for such unpaid tax, assessment or water rent had been made. [As amended by Laws of 1913, chap. 326.]

Postponement of sales.

Old Sec. 1028. Repealed by Laws of 1908, Chapter 490.

Sec. 1028. It shall be lawful for the comptroller to suspend or postpoue any sale or sales of tax liens on lands and tenements or any portion thereof which shall have been advertised for sale, to any time not exceeding fifteen months from the day specified in any such advertisement. All sales which shall be so postponed or suspended may be made without further advertisement, other than a general notice of such postponement, to be published in the City Record and the corporation newspapers.—As amended and renumbered by Laws of 1908, Chapter 490.

Sales of tax liens to be conducted by the collector of assessments and arrears.

Sec. 1029. The collector of assessments and arrears or his assistant shall conduct the sales hereinbefore provided to be made, and no auctioneer other than said collector or his assistant shall be employed to make such sale, and no auctioneers' fees shall be charged thereon. The comptroller shall require from each purchaser of a tax lien at the time of such sale a deposit on account of ten per centum of the amount of the tax lien purchased by him, and not later than thirty days from the date of sale, the balance shall be paid to the collector of assessments and arrears, at his office. If no bid shall be received for a tax lien offered for sale, the collector of assessments and arrears, for and on behalf of The City of New York, may bid in the said tax lien, and upon such bid, no deposit or payment in cash shall be required from the city. When the city has bid in any tax lien a transfer of tax lien to the city shall be executed by the said collector in the form and manner prescribed for other transfers of tax liens, and the city shall have the same rights in, to and under such transfer of tax lien as if the same had been bought by any other other* person. Transfers of tax lien shall be made and delivered to the purchaser without charge upon payment of the amounts therein shown to be due. In case any purchaser shall not complete his purchase in accordance with the terms prescribed as herein provided, then the amount deposited by him at the time of the sale shall be forfeited to the city, and the entire tax lien upon the lands affected by such purchase shall be sold again. Such resale shall be held at such time as the comptroller may direct and shall be advertised in the City Record and the corporation newspapers, in such manner and for such time, not less than two weeks, as the comptroller may direct. All deposits forfeited as aforesaid shall be paid into the general fund of the City of New York.—Section 1030—as amended and renumbered by Laws of 1908, Chapter 490.

Sections 1031 to 1049 both inclusive. (Providing for sale of lands and tenements in New York city for unpaid taxes, assessments or water rents, and issuing of certificates on such sale, and for redemption from sales.)—Repealed by Laws 1908, Chapter 490.

Note—The above repealed sections are replaced by the following new sections 1030 to 1047 inclusive, providing a new scheme with the other sections amended by Laws 1908, Chapter 490, in reference to sale of tax liens.

Transfers of tax liens.

Sec. 1030. A transfer of tax lien shall operate to transfer and assign the tax lien upon the lands or tenements described therein for the taxes, assessments and water rents, and penalties, the interest thereon, and the charges of the notices and advertisements given pursuant to section ten hundred and twenty-seven of this act, and all other costs and charges, so advertised for sale, free of all taxes, assessments and water rents, which accrued before the day of the date mentioned in the advertisement of the sale as stated therein, and to create a lien upon the property affected thereby for the interest to which the purchaser may be entitled under his bid, but subject to the lien for and right of the city to collect and receive all taxes, assessments and water rents which accrued or which became a lien on and after the day of the date mentioned in the first advertisement of such sale as stated therein. A transfer of tax lien shall contain a transfer and assignment by the city of the tax lien sold to the purchaser, the date of the sale, the aggregate amount of the tax lien so transferred, and the items of taxes, assessments, water rents, penalties, and interest, composing the tax lien, the annual rate of interest which the purchaser has bid and will be entitled to receive, the date when the amount of the tax lien will be due, and a description of the real property affected by the tax lien, which description shall include the name of the borough in which the property lies and shall refer for certainty to the designation of said lot on the tax map, by its lot number and the number of the block, ward or section in which it is contained, and such other identifying description as the collector of assessments and arrears may deem proper to aid. Each transfer of tax shall be subscribed by or in behalf of the collector of assessments and arrears making the sale, or a successor in office of such collector, and shall be acknowledged by the officer subscribing the same in the manner in which a deed is required to be acknowledged to be recorded in the county in which the real property affected is

*So in original.

situated. [As amended by Laws of 1913, chap. 682.]

Record of transfers of tax liens.

Sec. 1031. The collector of assessmeuts and arrears shall keep in his office a public record of sales of tax liens, and a copy of each transfer of tax lien issued by him. Assignments of transfers of tax lien duly acknowledged may be filed and recorded in the office of the collector of assessments and arrears. A transfer of tax lien and any assignment thereof, duly acknowledged, shall be deemed conveyances under article eight of the real property law, and may be recorded in the office of the recording officer of any county in which the real property which it affects is situated. Transfers of tax lien and all assignments thereof shall be recorded by recording officers in the same manner as mortgages and assignments thereof, but without payment of tax under article fourteen of the tax law. The record in the office of the collector of assessments and arrears of sales of tax liens, of a transfer of tax lien, and of a copy of a transfer of tax lien, and of an assignment of a transfer of tax lien; a record of a transfer of tax lien in the office of a recording officer, and of an assignment of tax lien, duly acknowledged, in the office of a recording officer, shall each be evidence in any court in the state without further proof. A transcript of any record enumerated in this section, duly certified, shall be evidence in any court in the state with like effect as the original instrument of record. Neither the tax lien nor the rights transferred or created by a transfer of tax lien shall be impaired by failure of a recording officer to record a trausfer of tax lien made by the city through the collector of assessments and arrears. Unless a contrary intent appears, a tax lieu shall be presumed to be satisfied and discharged whenever it shall appear from recorded instruments that the tax lien has been transferred or assigned to the owner of such lands or tenements, notwithstanding other intervening estates or liens.—Added by Laws 1908, Chapter 490.

Rights of purchaser of tax lien.

Sec. 1032. The aggregate amount of each tax lien transferred pursuant to this title, shall be due three years from the date of the sale. Until such aggregate amount is fully paid and discharged, the holder of the transfer of tax lien shall be entitled to receive interest on such aggregate amount from the day of sale, semi-annually on the first day of January and July, at the rate which the purchaser shall have bid. At the option of the holder of any transfer of tax lien the aggregate amount thereof shall become due and payable after default in the payment of interest for thirty days or after default for six months after the delivery of transfer of tax lien in the payment of any taxes, assessments or water rents, which become a lien on and after the day of the date mentioned in the advertisement of the sale as stated therein, of the tax lien transferred by such transfer of tax lieu. Any person haviug a legal or beneficial interest in property affected by a transfer of tax lien may satisfy the same before maturity upon giving thirty days' notice in writing to the holder thereof, of the day on which payment will he made and upon payment of the principal with interest at the rate bid to a time three months after the day so fixed for payment. If notice of intention to make payment be given as herein provided, and such payment be not made, then the whole amount of any tax lien concerning which such notice shall have been given shall become due and payable at the option of the holder thereof. Or any such person may pay to the collector of assessments and arrears such principal with interest at the rate bid up to a day six months after such payment. In case such payment be made to the collector of assessments and arrears he shall receive the same for the benefit of the holder of the tax lien thus discharged, and shall give notice thereof to the purchaser or the personal representative or assignee of the purchaser, by mail addressed to such address as may have been furnished to the collector of assessments and arrears. Upon receiving surrender of such transfer of tax lien the collector of assessments and arrears shall pay the amount thus deposited, to the person who according to the records in his office appears to be entitled thereto, or to the personal representatives of such person. —Added by Laws 1908, Chapter 490.

Discharge of tax lien.

Sec. 1033. A tax lien sold pursuant to the provisions of this title must be discharged upon the record thereof by the collector of assessments and arrears when payment is made to him of the principal and interest as provided in the last preceding section, and also when the transfer of tax lien is surrendered to him for cancellation, and there is presented to him a certificate executed by the purchaser, or the personal representative or assignee of the purchaser, acknowledged so as to be entitled to be recorded in the county in which the real property affected by such tax lien is situated, certifying that the tax lien has been paid or has been otherwise satisfied and discharged. The transfer of tax lien thus surrendered and such certificate of discharge must be filed by the collector of assessments and arrears and he must note upon the margin of the record of such sale, upon such transfer of tax lien and upon the copy of the transfer of tax lien kept in his office a minute of such discharge and the date of filing thereof. If the transfer of tax lien shall have been lost or destroyed or mutilated, if payment be made to the collector of assessments and arrears, or if a certificate of discharge be filed as hereinafter provided, application for an order dispensing with the surrender of the transfer of tax lien may be made in the same manner as is provided in section two hundred and seventy-a of the real property law, the provisions of which so far as the same may be, are hereby made applicable to discharge of tax liens. The collector of assessments and arrears shall upon demand issue his certificate showing the discharge of any tax lien which may have been duly discharged as provided in this section, and such certificate may he filed in any office where the transfer of tax lien is recorded, and any recording officer with whom such a certificate is filed, shall record the same, and upon the margin of the record of such transfer of tax lien in his office shall note a statement that the same has been discharged with a reference to the record of such certificate in his office.—Added hy Laws 1908, Chapter 490.

Exemption from taxation.

Sec. 1034. Tax liens and transfers of tax liens shall be exempt from taxation by the state or any local subdivisions thereof, except from the taxes imposed by article ten of the tax law. The real property affected by any tax lien shall not be exempt from taxation by reason of this section.—Added by Laws 1908, Chapter 490.

Corporation to take possession of unclaimed lands.

Sec. 1035. If the amount of any tax lien which shall have been transferred by a transfer of tax lien shall not be paid when under its terms and the provisions of this title such amount shall be due, the holder of such tax lean may maintain an action in the supreme court to foreclose such tax lien. In an action to foreclose a tax lien any person shall be a proper party of whom the plaintiff alleges that such person has or may have or that the plaintiff has reason to believe that such person has or may have an interest in or claim upon the real property affected by the tax llen. Except as otherwise provided in this title an action to foreclose a tax lien shall be regulated by the provisions of the code of civil procedure and by all other provisions of law, and rules of practice applicable to actions to foreclose mortgages on real property. The people of the state of New York may be made party to an action to foreclose a tax lien in the same manner as a natural person. Where the people of the state of New York or The City of New York is made a party defendant the complaint shall set forth, in addition to the other matters required to be set forth by law, detailed facts showing the particular nature of the interest in or the lien on the said real property of the people of the state of New York or The City of New York, and detailed facts showing the particular nature of the interest in or the lien on said real property which plaintiff has reason to believe that the people of the state of New York or The City of New York has or may have in the said real property, and the reason for making the people of the state of New York or The City of New York a party defendant. Upon failure to state such facts the complaint shall be dismissed as to the people of the state or The City of New York.—As amended by Laws of 1911, Chapter 65.

Pleading transfer of tax lien.

Sec. 1036. Whenever a cause of action, defense or counterclaim, is for the foreclosure of a tax lien, or is in any manner founded upon a tax lien or a transfer of tax lien, the production in evidence of an instrument executed by the collector of assessments and arrears, in the form prescribed in section ten hundred and thirty for a transfer of tax lien subscribed by or in behalf of a collector of assessments and arrears, shall be presumptive evidence that the lien purported to be transferred by such an instrument was a valid and enforceable lien, and that it has been duly assigned to the purchaser, and it shall not be necessary to plead or prove any act, proceeding, notice or action, preceding the delivery of such transfer of tax lien nor to establish the validity of the tax lien transferred by such transfer of tax lien. If a party or person in interest in any such action or proceeding claims that a tax lien is irregular or invalid, or that there is any defect therein or that a transfer of tax lien is irregular, invalid or defective, such invalidity, irregularity or defect must be specifically pleaded or set forth, and must be established affirmatively by the party or person pleading or setting forth the same. —Added by Laws 1908, Chapter 490.

Judgment upon tax lien.

Sec. 1037. In every action for the foreclosure of a tax lien, and in every action or proceeding in which a cause of action, defense or counterclaim is in any manner founded upon a tax lien or a transfer of tax lien, such transfer of tax lien and the tax lien which it transfers shall be presumed to be regular and valid and effectual to transfer to the purchaser named therein a valid and enforceable tax lien. Unless in such an action or proceeding such tax lien or transfer of tax lien be found to be invalid, they shall be adjudged to be enforceable and valid, for the amount thereof and the interest to which the holder may be entitled, and a tax lien transferred by a transfer of tax lien effectual to transfer such tax lien to the purchaser named therein.—Added by Laws 1908, Chapter 490.

Judgment of foreclosure of tax lien; when The City of New York may purchase at sale.

Sec. 1038. In an action to foreclose a tax lien, unless the defendants obtain judgment, the plaintiff shall be entitled to a judgment establishing the validity of the tax lien so far as the same shall not be adjudged invalid and of the transfer of tax lien, and directing the sale of the real property affected thereby, or such part thereof as shall be sufficient to discharge the tax lien, or such items thereof as shall not be adjudged in-

valid and the interest thereon and all other accrued taxes, assessments and water rents affecting the real property, together with the expenses of the sale, and the costs of the action. At a sale pursuant to judgment in an action to foreclose a tax lien wherein The City of New York is plaintiff, said city, without authorization other than that hereby given, may purchase the real property affected at a price not exceeding the amount due to the plaintiff at the time of such sale together with the costs and expenses of the sale plus the amount of all due and unpaid taxes, assessments, and water rents which accrued or became a lien on the premises on or after the day of the date mentioned in the advertisement of the sale of the said tax lien, unless a bid in amount equal thereto be made by some person other than the plaintiff. The moneys required to be paid by said city upon any purchase made pursuant to the provisions of this section may be taken from any appropriate fund of the city or any of the boroughs thereof applicable thereto, or, in case there be no such fund, such money shall be provided by the issue of special revenue bonds. The proceeds of any such sale over and above the costs and allowances of the action shall be applied in like manner as the proceeds of the sale of a tax lien to a person other than the city. Any real property acquired by said city in the manner aforesaid may, unless assigned by the commissioners of the sinking fund for a public use, be sold by the comptroller at public sale in the same manner as other real estate of the city is sold. In the event of the assignment of any such property for a public use the same shall be paid for as in the case of the purchase of other property for such use at the price determined by the commissioners of the sinking fund, and the consideration for such assignment as well as the proceeds of any such public sale by the comptroller shall be deposited in the fund out of which such property was paid for on the foreclosure sale. Whenever the balance in any such fund shall be more than would be necessary to redeem outstanding special revenue bonds payable from said fund and to properly carry out the provisions of this section, the comptroller may certify that fact to the board of estimate and apportionment, which, upon such certificate, may authorize the transfer of a portion thereof to the general fund of the city. [As amended by Laws of 1913, chap. 681.]

Effect of judgment foreclosing tax lien.

Sec. 1039. Every final judgment in an action to foreclose a tax lien shall be binding upon, and every conveyance upon a sale pursuant thereto, shall transfer to and vest in the purchaser all the right, title, interest and estate in and claim upon the real property affected by such judgment, of the plaintiff, each defendant upon whom the summons is served, each person claiming from, through or under such a defendant by title accruing after the filing of notice of pendency of the action or after the entry of judgment and filing of the judgment roll in the proper county clerk's office, and each person not in being when the judgment is rendered, who afterwards may become entitled to a beneficial interest attaching to, or an estate or interest in such real property or any portion thereof, provided that the person presumptively entitled to such beneficial interest, estate or interest is a party to such action or bound by such judgment. So much of section four hundred and forty-five of the Code of Civil Procedure as requires the court to allow a defendant to defend an action after final judgment shall not apply to an action to foreclose a tax lien. Delivery of the possession of real property affected by a judgment to foreclose a tax lien may be compelled in the manner prescribed in section sixteen hundred and seventy-five of the Code of Civil Procedure.—Added by Laws of 1908, Chapter 490.

Surplus.

Sec. 1040. Any surplus of the proceeds of the sale, after paying the expenses of the sale, and all taxes, assessments and water rents, which accrued or became a lien on and after the day of the date mentioned in the advertisement of the sale as stated therein, under which the foreclosed transfer of tax lien was issued, and satisfying the amount of the tax lien and interest and the costs of the action, must be paid into court, for the use of the person or persons entitled thereto. If any part of the surplus remains in court for the period of three months, and no application has been made therefor, the court must, and, if an application therefor is pending, the court may direct such surplus to be invested at interest, for the benefit of the person or persons entitled thereto, to be paid upon the direction of the court.—Added by Laws 1908, Chapter 490.

Foreclosed tax lien not arrears.

Sec. 1041. Any party to an action to foreclose a tax lien or any purchaser or any party in interest may give notice of such foreclosure to the collector of assessments and arrears, and after such notice the items which constituted the tax lien thus foreclosed shall not be entered by the collector of assessments and arrears in any yearly assessment-roll, so long as the judgment of foreclosure of such lien remains in force.—Added by Laws 1908, Chapter 490.

Procedure when no bid for a tax lien is received.

Sec. 1042. If no bid be received for a tax lien on any parcel of property at a duly advertised sale and it shall appear to the comptroller that the taxes, assessments, water rents, penalties and accrued interest amount to so large a proportion of the value of the property that the security is insufficient to attract bidders, then and in that event the comptroller and the corporation counsel shall investigate the facts and may fix a lesser amount for which in their judgment a tax lien bearing twelve per centum interest can be sold. A certificate in writing, signed by them, shall be filed with the collector of assessments and arrears, setting forth the amount so determined by them, together with a brief statement of the reasons for such reduction, which certificate shall include the total amount of the taxes, assessments, water rents, penalties and accrued interest, the assessed value of such parcel of real estate, and the value of the land as the same appears on the last preceding assessment-roll. Thereafter such reduced amount shall constitute the tax lien upon said real property for the items therein enumerated, unless the same be increased as hereinafter provided, which reduced amount shall bear interest at the rate of seven per centum per annum from the date of such certificate until fully paid, or until the tax lien thus fixed, together with the lien for any other taxes, assessments, water rents, and penalties and interest becoming liens thereafter shall be sold. The collector of assessments and arrears shall forthwith advertise the tax lien for such reduced amount for sale to the highest bidder in the manner provided for the advertisement for the sale of ordinary tax liens. Such tax lien shall bear interest at twelve per centum and shall be sold to the person bidding the highest amount of money in excess of the reduced amount so fixed by the comptroller and corporation counsel, provided that if the bidding reaches the original amount of the tax lien on the real property affected, together with all interest and penalties thereon, the sale shall proceed in the manner provided in section ten hundred and twenty-nine; if such tax lien be sold for a sum greater than the reduced amount fixed as aforesaid with the interest and penalties thereon, then such greater amount shall be considered the tax lien upon the real property affected thereby. If no bid shall be received at such sale, the comptroller and corporation counsel shall reconsider their determination and may file a new certificate in the manner hereinbefore provided, and the collector of assessments and arrears shall proceed again as hereinbefore directed. Such procedure shall be repeated until a tax lien for such taxes, assessments, water rents and accrued interest shall be sold.—Added by Laws 1908, Chapter 490.

Reimbursement for unenforcible tax liens or transfers of tax liens.

Sec. 1043. If a transfer of tax lien be vacated or be set aside or canceled, or if it be adjudged in any action that a transfer of tax lien is invalid or defective, or not sufficient to transfer a tax lien to the purchaser thereof, or if in any action to foreclose a tax lien, it be adjudged that the entire tax lien is void and not a valid lien on the premises which it purports to affect, and that the complaint be dismissed, or if in any action a sale of the property is directed to be made subject to any easement and hence the amount of the lien cannot be obtained upon sale of the property, the holder may surrender such transfer of tax lien, together with a certified copy of such judgment or decree, and also an assignment to the city of such judgment directing sale to the collector of assessments and arrears and thereupon shall be repaid by the city the amount paid for such transfer of tax lien, with interest from the time of such payment at the rate of six per centum unless a lower rate be set forth in the transfer of tax lien, in which event at such lower rate, and the city shall pay the taxed costs and disbursements of any action or proceeding in which such adjudication is made. [As amended by Laws of 1913, chap. 681.].

Cancellation of unpaid taxes.

Sec. 1043-a. When it shall appear to the comptroller that the unpaid taxes or assessments for local improvements, or both, together with the interest and penalties thereon which may have been levied upon a parcel of real estate subject to easements which were in existence prior to the levying of such taxes or assessments for local improvements, equal or exceed the sum for which, under ordinary circumstances, such parcel of real estate would sell subject to such easements, the comptroller with the written approval of the corporation counsel may settle and adjust such unpaid taxes or assessments for local improvements or both with the interest and penalties thereon, and when it shall appear to the comptroller that such parcel of real estate would sell under ordinary circumstances subject to such easements for only a nominal sum, then the comptroller with the written approval of the corporation counsel may cancel such unpaid taxes and assesments for local improvements together with the interest and penalties thereon. (As added by Chapter 514, Laws of 1915.)

Reimbursement when part of the tax lien is unenforcible.

Sec. 1044. If, in any action to foreclose a tax lien, it shall be adjudged that some, but not all of the items constituting such tax lien are void and not a valid lien on the premises covered by such tax lien, or if in any action or proceeding it be adjudged that a transfer of tax lien is invalid or defective, as to some though not as to all of the items transferred, the holder of the transfer of tax lien, by instrument in writing duly acknowledged, shall retransfer to the city the items thus affected, and shall be repaid by the city such portion of the amount paid for such transfer of tax lien as may be applicable to the items thus affected, with interest from the time of such payment at the rate of six per centum unless a lower rate be set forth in the transfer of tax lien

lien, in which event at such lower rate, and the city shall pay the taxed costs and disbursement of any action or proceeding, other than an action to foreclose the tax lien, in which such adjudication is made. The provisions of this section shall not apply to a tax lien which has been reduced as provided in section ten hundred and forty-two, unless by such an adjudication the amount of the tax lien which shall remain valid and enforcible, be reduced below the sum bid for the same and the interest thereon at the rate to which the holder of the transfer of tax lien is entitled, and the amount repaid by the city shall not exceed the difference between the sum to which the tax lien has been reduced, and the sum paid therefor, with interest thereon at the rate to which the holder of the transfer* tax lien is entitled. [As amended by Laws of 1913, chap. 681.]

Owners may question transfers of tax liens.

Sec. 1045. Any person interested in or holding a lien upon any real property affected by any unpaid tax lien or transfer of tax lien, may file a written notice with the collector of assessments and arrears claiming that a transfer of tax lien is invalid or defective or that a tax lien which has been transferred pursuant to this title or which is advertised to be transferred is invalid, defective, void or ineffectual, or should be vacated or set aside. The collector of assessments and arrears shall transmit all such notices to the corporation counsel, who shall examine into the facts and proceedings resulting in the tax lien or transfer of tax lien mentioned in such notice; before a determination is had the corporation counsel shall serve a copy of such notice upon the holder of the transfer of tax lien which is thus questioned or which transfers the items thus questioned and shall give such holder an opportunity to be beard. The corporation counsel shall certify in writing his opinion upon the matters and questions raised by such notice, and if he concludes that a defense in an action to foreclose the tax lien would succeed in whole or in part he shall so certify, and shall recommend what action shall be taken by the city concerning the same. If the corporation counsel concludes that such defense would succeed in whole or in part and recommends repayment by the city of the amount paid for a transfer of tax lien which would be applicable to any item he shall state the reasons for such recommendation, and if it be approved by the comptroller the city shall require the surrender of the transfer of tax lien or the retransfer to it of the item or items of tax lien which are found to be void or defective, and shall make repayment therefor in the same manner as if such transfer of tax lien, tax lien or items had been adjudicated in the manner provided in sections ten hundred and forty-three and ten hundred and forty-four. Neither the provisions of this section nor any act or proceeding thereunder shall impair or in any other manner affect the rights or remedies of any person interested in, or holding any lien upon, real property to question the validity of any tax, assessment, water rents or tax lien, or any part or item of any tax lien. Added by Laws 1908, Chapter 490.

Corporation counsel to protect interest of city.

Sec. 1046. No claim shall be made against the city under sections ten hundred and forty-three, ten hundred and forty-four or ten hundred and forty-five by the holder of any tax lien, unless action to foreclose the tax lien or transfer of tax lien upon which such claim is founded be commenced within five years from the time of the sale resulting in such transfer of tax lien. Nor shall any claim be made against the city under sections ten hundred and forty-three or ten hundred and forty-four, unless within ten days after the commencement of any action or proceeding to vacate, set aside or cancel a transfer of tax lien, or a tax lien or an item mentioned in a transfer of tax lien, or unless within ten days after the service of any pleading or other paper in an action or proceeding in which any transfer of tax lien, or item mentioned in a transfer of tax lien, is brought into question, sought to be set aside, vacated, or canceled, or which sets forth or pleads any defense to an action to foreclose a tax lien, a notice in writing be served upon the corporation counsel setting forth the question or objection raised to the best knowledge of the holder of the transfer of tax lien, or his attorney at law, and demanding that the city take up the prosecution or defense of the action or proceeding. All proceedings in such action or proceeding shall be stayed for thirty days or such shorter time as the corporation counsel shall stipulate in writing. It shall be the duty of the corporation counsel to examine the questions raised, and, in order to protect the interests of the city, he shall have the right to be substituted for the attorney of record of the holder of the transfer tax lien, or to appear as attorney of record for the holder of any such transfer of tax lien, to conduct or defend any such action or proceeding in the name of the holder of the transfer of tax lien, and to bring any other action or proceeding for, on behalf of and in the name of the holder of such transfer of tax lien as he may deem advisable, to take appeals and to argue appeals taken by the adverse party, as he may deem advisable. It shall be the duty of the corporation counsel to protect the interest of the city in all matters, actions and proceedings relating to tax liens and transfers of tax liens; to intervene on behalf of the city or of the holder of a transfer of tax lien in, or to make the city a party to any action in which he believes it to be to the interest of the city so to do, by reason of any matter arising under or relating to any tax lien or transfer of tax lien, or advertisement of sale of tax liens. In any action or proceeding in which the corporation counsel pursuant to this section shall be substituted, or shall appear, it shall be without expense to the holder of the transfer of tax lien, and all costs recovered on behalf of such holder of a transfer of tax lien in any action or proceeding conducted or defended by the corporation counsel shall belong to the city and shall be collected, applied and disposed of in the same manner as are other costs recovered by the city—Added by Laws 1908, Chapter 490.

Defective or invalid transfer of tax lien; proceeding anew.

Section 1047. If a transfer of tax lien be vacated or be set aside or canceled or if it be adjudged that a transfer of tax lien is invalid or defective, or insufficient to transfer a tax lien to the purchaser thereof, or if in any action to foreclose a tax lien, it be adjudged that a tax lien is not a valid lien on the premises which it purports to affect, because of some irregularity in the proceedings had, and if in pursuance of any such adjudication the purchaser of said transfer of tax lien shall have surrendered such transfer of tax lien to the collector of assessments and arrears and shall have been repaid by the city, the amount paid for such transfer of tax lien, with interest and costs and disbursements of the said action or proceeding in which such adjudication was made, then and in that event, the tax lien which was purported to be transferred and assigned in such transfer of tax lien shall remain as a valid lien upon the premises which it affects, except to such extent as it may have been adjudged irregular or invalid, and the collector of assessments and arrears shall proceed to sell anew, as provided in section ten hundred and twenty-seven of this act, so much of the said tax lien as is not invalid as if no prior sale purporting to transfer the said tax lien had taken place.—Added by Laws 1908, Chapter 490.

Lost transfer of tax lien; delivery of duplicate in case of.

Sec. 1048. Whenever any transfer of tax lien given by the collector of taxes and arrears, as in this title provided, shall be lost, the comptroller may receive evidence of such loss, and on satisfactory proof of the fact may direct the collector of assessments and arrears to execute and deliver a duplicate to such person or persons who shall appear entitled thereto, and may also, in his discretion, require a bond of indemnity to The City of New York.—Section 1050 as renumbered and amended by Laws 1908, Chapter 490.

Bills of arrears of taxes and assessments to be furnished when requested.

Sec. 1049. The collector of assessments and arrears, upon the requisition of the owner, the proposed vendee under a contract of sale, a mortgagee, or any person having a vested or contingent interest in any lot or lots, or their duly authorized agent, shall furnish a bill of all arrears of taxes, and taxes with the "water rents" added on any lot or lots due prior to the first of March, then last past, and of assessments which are due and payable; and upon the payment of the said bill (which shall be called a "bill of arrears of assessments, taxes and water rents"), his receipt thereon, countersigned by the comptroller, shall be conclusive evidence of such payment. The comptroller shall cause to be kept a duplicate account of amounts so collected, and the certificate of the collector of assessments and arrears, countersigned by the comptroller, that there are no tax liens on said lot or lots, shall forever free the said lot or lots from all liens of taxes, or for taxes with water rates added, or for rents of water added to the taxes prior to the first of March then last past, and for all assessments due and payable prior to the date of the said receipt or certificate, but not from the lien of any tax lien duly sold.—As amended by Laws of 1911, Chapter 673.

Id.; fees for searches.

Sec. 1050. Fees for the searches to be paid into the city treasury shall be included in the bills mentioned in the preceding section, and also charges for certificates, which shall be given by said collector of assessments and arrears, respecting lots on which there may be no arrears when searches are required; the said fees to be regulated by ordinance of the board of aldermen—Section 1052 renumbered by Laws of 1908, Chapter 490.

Affidavits of publication of necessary notices to be preserved.

Sec. 1051. It shall be the duty of the collector of assessments and arrears to procure, preserve and register in his office, affidavits of the publication of all the notices by this title required to be published, and such affidavits shall be presumptive proof of such publication in all the courts of this state.—Section 1054 as renumbered by Laws of 1908, Chapter 490.

Sec. 1053 repealed by Laws of 1908, Chapter 490.

CHAPTER XVIII.

DEPARTMENT OF EDUCATION.

Title 1. The public schools and their management.
Title 2. The college of The City of New York.
Title 3. The normal college.
Title 4. General provisions.

*So in original.

TITLE 1.

THE PUBLIC SCHOOLS AND THEIR MANAGEMENT.

Board of education; property under its care and control; in what name suits brought.

Sec. 1055. The title to all property, real and personal, now or that may hereafter be acquired for school or educational purposes, except the State Normal School at Jamaica, and also the title to all property, real and personal, purchased for school or educational purposes with any school moneys, whether derived from the issue of bonds or raised by taxation in The City of New York, shall be vested in The City of New York, as constituted by this act, but shall be under the care and control of the board of education, as provided in this act, for the purposes of public education, recreation and other public uses. Suits in relation to such property shall be brought in the name of the said board of education. The said city of New York shall have power to take and hold any property, real or personal, devised or bequeathed or transmitted to it for the purposes of education in said city; but such property shall be under the care and control of the board of education, as provided by this act, for the purposes of public education, recreation and other public uses in said city.

School age of children.

Sec. 1056. The schools of the said city under the management and control of the board of education shall be free to all persons over four and under twenty-one years of age residing in said city, but under such regulations not in conflict with the general school law of the state, as the board of education shall prescribe, provided, however, that no child under six years of age shall be received in said schools except in kindergarten classes.

Board of education; succeeds to trusts of public school society.

Sec. 1057. All the trusts held by or vested in the public school society of The City of New York, as heretofore organized and existing in compliance with the provisions of an act entitled, "An act relative to common schools in The City of New York," passed the fourth day of June, one thousand eight hundred and fifty-three, which have not been conveyed by the said society, and all the rights, powers and duties of said society, which yet remained therein, shall continue and be vested in the board of education of The City of New York, which board is, and shall be held to be the lawful successors of said society in the execution of every trust.

Board of education succeeds to duties and powers of former boards, etc.

Sec. 1058. Subject to the provisions of this act, and so far as is consistent therewith, the board of education of The City of New York, as created by the terms and provisions of this act, shall be subject to all duties, possess all the rights and exercise all the powers respectively held by the board of education, the school boards of the several boroughs and the inspectors of common schools on the day when this act takes effect, excepting such duties, rights and powers as shall devolve upon the local school boards as provided in this act. The powers, duties and functions of all the school boards in the several boroughs within The City of New York, as they have heretofore been constituted, shall cease and determine, and their offices shall be abolished, on the first Monday of February, nineteen hundred and two, and the board of education, as constituted by this act, shall thereupon succeed to such powers, and become subject to such functions and duties as provided by this act.

Money to conduct schools to be raised by taxation.

Sec. 1059. The board of estimate and apportionment and the board of aldermen of The City of New York may raise and collect by tax, on the estates, real and personal, liable to taxation in said city, such sum of money as may be necessary to provide for the conduct of the schools as called for by the budget adopted by the said board of estimate and apportionment and the said board of aldermen pursuant to the provisions of this act.

Special and general school funds, all moneys to be administered by board of education.

Sec. 1060. All moneys raised for educational purposes in the city of New York shall be raised in two funds, to be known as the special school fund and the general school fund, respectively. The general school fund shall consist of all moneys raised for the payment of salaries of the city superintendent, associate city superintendents and district superintendents, director and assistant director of the division of reference and research, members of the board of examiners, attendance officers, lecturers and all members of the supervising and teaching staff, throughout all boroughs, in conformity with section ten hundred and ninety-one of this act. The special school fund shall contain and embrace all moneys raised for educational purposes not comprised in the general school fund. It shall be the duty of the board of estimate and apportionment and of the board of aldermen to indicate in the budget in raising the special school fund the respective amounts thereof which shall be available for use in the several boroughs. The general school fund shall be raised in bulk, and for the city at large. The board of education shall have power to administer and shall administer all moneys appropriated or available for educational purposes in the city of New York.—As amended by Laws of 1914, chap. 476.

Board of education; how constituted; president; vacancies; members to serve without pay.

Sec. 1061. There shall be in The City of New York as constituted by this act, a board of education, which shall have the management and control of the public schools and of the public school system of the city, subject only to the general statutes of the state relating to public schools and public school instruction, and to the provisions of this act. The board of education of The City of New York shall consist of forty-six members, twenty-two being residents of the borough of Manhattan; four of the Borough of The Bronx; fourteen of the borough of Brooklyn; four of the borough of Queens, and two of the borough of Richmond. The members of the board of education shall be appointed by the mayor and hold office for the term of five years. On the first Monday of February, in the year nineteen hundred and two, and in every year thereafter, the said board of education shall organize by electing one of its members as president of the board, who shall preside at its meetings, and shall have the same power to vote thereat as any other member, but who shall not have the power of veto. Any vacancy in the office of members of the board of education, caused by death, resignation, or otherwise, shall be filled by appointment by the mayor for the unexpired term, subject to the provisions as to the residence of such members hereinbefore set forth. On the third Monday of January, nineteen hundred and two, the mayor shall appoint members of the board of education to serve until the dates hereinafter specified, namely: In the borough of Manhattan, five members until January first, nineteen hundred and three; five members until January first, nineteen hundred and four; four members until January first, nineteen hundred and five; four members until January first, nineteen hundred and six; and four members until January first nineteen hundred and seven. In the borough of Brooklyn, three members until January first, nineteen hundred and three; three members until January first, nineteen hundred and four; three members until January first, nineteen hundred and five; three members until January first, nineteen hundred and six; and two members until January first, nineteen hundred and seven. In the borough of The Bronx, one member until January first, nineteen hundred and five; one member until January first, nineteen hundred and six; and one member until January first, nineteen hundred and seven. In the borough of Queens, one member until January first, nineteen hundred and three; one member until January first, nineteen hundred and five; one member until January first, nineteen hundred and six; and one member until January first, nineteen hundred and seven. In the borough of Richmond, one member until January first, nineteen hundred and four; and one member until January first, nineteen hundred and seven. In the month of November prior to the expiration of the respective terms of office of the members of the board of education, appointed as aforesaid, the mayor shall appoint their successors to serve for the full term of five years from the first day of January following. The terms for which such appointments are made shall be designated in the certificates of appointment of such members. A change of residence by a member of the board of education from the borough from which he was appointed shall vacate his office. Members of the board of education shall serve without pay, and shall hold no office of emolument under the county, state or municipal government, except the offices of notary public or commissioner of deeds, or offices in the national guard.

Id.; to possess powers and privileges of a corporation.

Sec. 1062. For the purposes of this chapter, the board of education of The City of New York shall possess the powers and privileges of a corporation.

Id.; to appoint an executive committee; powers of committee.

Sec. 1063. It shall be the duty of the board of education in the month of February, nineteen hundred and two and in each year thereafter in the month of July to appoint a standing committee of fifteen members of the board, who shall, subject to the approval of the board, constitute an executive committee for the care, government and management of the public school system of the city, subject to the by-laws of the board of education. At least one member of such committee shall be selected from each borough. The said board of education may by its by-laws confer upon said committee power to perform any of the administrative powers of the board. It shall be the duty of said executive committee to perform such duties as the board of education may by by-law prescribe. The board of education may, at any regular meeting thereof, by a majority of all the members of the board, remove any or all the members of the said committee, and appoint other members of the board to the vacancies thus created. Said executive committee shall meet at least once in each month. All reports of committees of the board appointed under its by-laws shall be presented to the executive committee for its consideration and action before being presented to the board, unless otherwise ordered by the board. The president of the board shall be ex officio the chairman of the executive committee.

Id.; to be representative of school system; to submit estimate for entire school system.

Sec. 1064. The board of education shall represent the schools and the school system of The City of New York before the board of estimate and apportionment, and before the board of aldermen, in all matters of appropriations in the budget of the city for educational purposes, and in all other matters, and shall in general, be the representative of the school system of the city in its entirety. On or before the fifteenth of September in each year it shall submit an estimate in detail of the moneys needed for the entire school system of the city, during the next succeeding calendar year, to the board of estimate and apportionment [illegible] The board of estimate

and apportionment shall appropriate for the general school fund for the year nineteen hundred and two and annually, for each year thereafter, an amount equivalent to not less than three mills on every dollar of assessed valuation of the real and personal estate in The City of New York, liable to taxation. In case the amount so appropriated for the general school fund exceeds the expenditures and ascertained liabilities chargeable to such fund during any one year, the amount by which the said general school fund exceeds said expenditures and liabilities shall become part of the general school fund for the next succeeding year, and the amount to be raised by tax for said fund shall be diminished by the amount of said excess. The board of education shall administer all moneys appropriated or available for educational purposes in The City of New York, subject to the general provisions of this act relating to the audit and payment of salaries and other claims by the department of finance.—As amended by Laws of 1903, Chapter 43.

Id.; to use and control certain premises.

Sec. 1065. The board of education shall have power to use and to control the premises known as the hall of the board of education, at the corner of Park avenue and Fifty-ninth street in the borough of Manhattan, and any other buildings to be occupied for like purposes in The City of New York, and to make all the repairs, alterations and additions in and to the said building or buildings which the board of education may authorize and deem advisable. It shall provide such offices and rooms as it may deem advisable within the boroughs of The City of New York, for the administration of the powers and duties conferred by this chapter upon the board of education, the board of superintendents, and the city superintendent.

Idem; to dispose of personal property; disposition of proceeds; to lease property and make contracts.

Sec. 1066. Subject to the provisions of this section relating to the disposition of discarded school books the board of education shall have power, in the name of the city of New York and for said city, to dispose of such personal property used in the schools or other buildings under the charge of said board as shall no longer be required for use therein. The said board may sell at prices as may be agreed upon such manufactured articles or other products of any of its schools, day and evening, as may not be utilized by the board of education, and all moneys realized by the sale thereof shall be paid into the city treasury and shall at once be appropriated by the board of estimate and apportionment to a special fund to be administered by the board of education for such purposes as said board, in its discretion, may determine. All other moneys realized by the sale of personal property shall be paid into the city treasury and shall at once be appropriated by the board of estimate and apportionment to the special school fund of the board of education for use in the borough in which the property sold was situated. Said board shall have power to lease property required for the purpose of furnishing school accommodations, and to prepare and execute leases therefor. The board may dispose of, to the best advantage of the city, either by sale or on the basis of money allowance for waste paper all books delivered to the several public schools that have been discarded either by reason of being obsolete, no longer required by the course of study, worn by long usage or mutilated by accident. If disposal is made by sale it shall be to the highest bidder, who guarantees to destroy said useless and disearded books, and the money realized shall be paid into the city treasury and shall at once be appropriated by the board of estimate and apportionment to the special school fund entitled "supplies" of the board of education as designated by said board. If disposal is made on the basis of money allowance for waste paper, it shall be to the highest bidder who guarantees to destroy said useless and disearded books and who shall name a price per pound and shall deliver new books to the aggregate value of said disearded and useless books, upon the order of the board of education. Said disposal of disearded books need not be publicly advertised, nor is it necessary to enter into a formal contract. Should the disearded books be in such a condition that no sale or exchange can be made, or should there be reason to believe that said disearded books have become infected through disease among the pupils, the committee on supplies of the board of education may authorize their destruction by fire, in which event the superintendent of school supplies shall obtain and file in his office a certificate that such books have been so destroyed, signed by the principal of the school in which the books are located.—As amended by Chapter 602, Laws of 1915.

Board of education; to appoint certain officers, clerks, et cetera, and fix their salaries.

Sec. 1067. The said board of education shall have power to appoint a secretary of the board; a superintendent of school buildings, who shall be an architect of experience and good standing, and whose term of office shall be for six years; a superintendent of school supplies whose term of office shall be for six years; a city superintendent of schools for the term of six years; a supervisor of lectures for the term of six years; a director and assistant director of the division of reference and research; and one or more auditors. The said board may appoint a chief clerk and such other officers, clerks, or subordinates as it may deem necessary for its administrative duties, and as are provided for by the proper appropriations. The city superintendent of schools, any associate city superintendent, any district superintendent, the supervisor of lectures, any member of the board of examiners, the director and assistant director of the division of reference and research, the secretary of the board of education, the superintendent of school buildings, the superintendent of school supplies, the auditor or auditors, and any other officers, clerks, or subordinates of the board, may, any or either of them, be removed for cause at any time by a vote of three-fourths of all the members of the board of education, and may be suspended by the board of education pending the trial of charges. The said board shall fix and regulate within the proper appropriation the salaries or compensation of the city superintendent of schools, of the associate city superintendents and the district superintendents, of the director and assistant director of the division of reference and research, and of members of the board of examiners.—As amended by Laws of 1914, chap. 6.

Idem; powers to enact by-laws, rules and regulations.

Sec. 1068. The board of education shall have power, subject to the provisions of law and of this act, to enact by-laws, rules and regulations for the proper execution of all duties devolved upon the board, its member and committees, and upon the several local school boards; for the transaction of all business pertaining to the same; for defining the duties of the city superintendent of schools, the director and assistant director of the division of reference and research, the superintendent of school buildings, the superintendent of school supplies, of its auditor or auditors, its clerks and subordinates; for regulating the manner of making disbursements from any of the funds apportioned to any borough for school purposes, for the proper execution of all powers vested in it by law, and for the promotion of the welfare and best interests of the public schools and public school system of the city in the matters committed to its care. Until the board of education shall act under the provisions of this section the by-laws, rules and regulations of the board of education and of the several borough school boards in force on the first day of January, nineteen hundred and two, shall remain in full force and effect so far as they are not inconsistent with the provisions of this act and are applicable.—As amended by Laws of 1914, chap. 476.

Board of education succeeds to specific powers heretofore exercised by borough boards.

Sec. 1069. The board of education shall, in addition to the other powers herein expressly conferred, have power:

1. To establish and conduct elementary schools, kindergartens, manual training schools, trade schools, truant schools, evening schools and vacation schools.

2. To maintain free lectures and courses of instruction for the people of the City of New York.

3. To provide special classes, whose sessions shall be held at such times in the day or evening as said board may determine, for the purpose of giving instruction in the English language to persons who cannot use that language readily, and whose vocations are such as to prevent their attending the elementary or other schools in the school system.

4. To provide one or more high schools and training schools or classes for teachers, as it may from time to time determine, and as the appropriations may permit. The said training schools or classes shall be under the control of the board of education and of the city superintendent of schools to the extent that may be necessary to secure compliance with chapter one thousand and thirty-one of the laws of eighteen hundred and ninety-five.

5. To establish and conduct playgrounds in connection with the public schools.

6. To establish new schools and discontinue or consolidate any of the schools of the system.

7. To enter into a contract or contracts, from time to time, subject, however, to the approval of the board of estimate and apportionment, with any street railway company, operating in The City of New York, for the transportation of school children to and from any public school in The City of New York at special rates not to exceed one-half the usual or customary rate of fares charged by such street railway companies, and to pay for such transportation out of the special school fund. The board of estimate and apportionment is hereby authorized and empowered to appropriate and include in the annual budget such sum or sums of money as may be necessary for the purposes of this act.—As amended by Laws 1904, Chapter 542.

8. The board of education shall have power to establish a bureau of compulsory education, school census and child welfare and subject to the provisions of law and of this act, the said board shall have power to make by-laws, rules, regulations and prescribe forms for the proper performance of the duties of all persons employed in and under the direction of said bureau. On the nomination of the board of superintendents the board of education shall have power to appoint a director and an assistant director of the said bureau for a term of six years each, and such attendance officers, enumerators, clerks and other employees as may be necessary, and to fix their salaries within the proper appropriation; to assign a chief attendance officer, and one or more attendance officers as supervising attendance officers for such periods as may be prescribed in the by-laws of the board of education. No person shall be eligible for the position of director or of assistant director of the said bureau who has not one of the following qualifications: (a) Graduation from a college or university recognized by the University of the State of New York, together with five years' experience in teaching or supervision since graduation. (b) A principal's license for any of the boroughs of the city of New York obtained as the result of an examination, together with ten years' experience in teaching or supervision. The director and assistant director shall be participants in the teachers' retirement fund under section ten hundred and ninety-two of the charter of the city of New York and be subject to its provisions. Attendance officers employed under the direction of the said bureau shall perform duties in connection with the enforcement of the compulsory education law, in the taking of a school census, and in connection with the employment of children under the labor law, and such other duties, not inconsistent with this act, as the director of the bureau or the board of education may prescribe. It shall be the duty of persons in parental relation to any child between the ages of four and eighteen years residing in the city of New York to give to the educational authorities of the district within which they severally reside, all the information prescribed in section six hundred and fifty of article twenty-four of the education law of the state relating to such child, and

such other information as may be required. Persons in parental relation who withhold such information shall be liable to the penalty prescribed in section six hundred and fifty-three of article twenty-four of the education law of the state. It shall be the duty of attendance officers, acting as census enumerators, to collect the information prescribed in section six hundred and fifty of article twenty-four of the education law and such other information as the state commissioner of education or the board of education may require.

The director of the bureau of compulsory education, school census and child welfare, herein established, shall, subject to the by-laws of the board of education and in its name, enforce the compulsory education law, direct attendance officers in their duty, commit and parole truant and delinquent children and proceed against those in parental relation in the manner provided in section six hundred and thirty-five of chapter one hundred and forty of the laws of nineteen hundred and ten as amended, any provision of the said law or of section ten hundred and seventy-eight of the charter of the city of New York to the contrary notwithstanding. The assistant director shall perform such duties in connection with the supervision of the school census, or otherwise, as the director, subject to the by-laws of the board of education, may prescribe. Under the direction of the board of education the city superintendent of schools shall have a general supervision of the bureau of compulsory education, school census and child welfare.

On or about May first, nineteen hundred and fourteen, the board of education shall ascertain the information required by section six hundred and fifty of article twenty-four of the education law of the state relating to a census of all persons within the city of New York between the ages of four and eighteen years of age. Thereafter such census shall be amended from day to day by attendance officers, clerks and other employees under the supervision of the director, as changes of residence occur among children of such city within the ages prescribed in this article, and as other persons come within the ages prescribed, and as other persons within such ages shall become residents of such city, so that said board of education in its census bureau shall always have on file a complete census of the names and residences of the children between such ages and of the persons in parental relation thereto.

The expense of carrying out the provisions of this act, except the salaries of directors and attendance officers, shall be paid out of the special school fund as created by section ten hundred and sixty of the charter of the city of New York.—As added by Laws of 1914, chap. 479.

Sec. 2. This act shall take effect on the first day of May, nineteen hundred and fourteen.—As added by Laws 1914, Chapter 479.

Id.; secretary; duties; secretary and chief clerk may administer oaths.

Sec. 1070. The secretary of the board of education shall have charge of the rooms, books, papers and documents of the board, and shall, in addition to his duties as secretary of the board, perform such other duties as may be required by its members or committees. The secretary and the chief clerk of said board are authorized to administer oaths and take affidavits in all matters appertaining to the schools in The City of New York, and for that purpose shall possess all the powers of a commissioner of deeds, but shall not be entitled to any of the fees or emoluments thereof.

Id.; provide for branches, etc., in borough.

Sec. 1071. The board of education shall make provisions for the organization in the various boroughs of such branches as they may deem necessary in the bureaus of the superintendents of school buildings and of school supplies, and shall make such provision by its by-laws as will secure prompt and efficient service for the selection and acquisition of sites, the planning and erection of new buildings for school purposes, and for the alteration and repair of existing buildings, and for the regulation of the purchase and distribution of school books and supplies, and for the execution and carrying into effect of all matters and things, authority for which shall have been granted by the board, and for the preservation of all school records. Subject to such by-laws, the superintendent of school buildings shall be the executive officer of the board in respect to all matters relating to the bureau of buildings, or in respect to which he is charged with duties under the provisions of this act. He shall advertise for bids for the erection alteration or repair of any building to be used for educational purposes in The City of New York which has been authorized by the board of education.

Superintendent of school buildings; oath and security by; subject to regulations of board; vacancy in office.

Sec. 1072. The superintendent of school buildings shall take and subscribe before the secretary or the chief clerk of the board of education, the oaths prescribed by the constitution of this state, and give such security for the faithful performance of the duties of his office as the board of education may direct; and the bureau under his charge shall be subject to such rules and regulations as the board may establish, one of which shall prohibit the performance by him of any work, on any other account, similar to that performed under the regulations so established, except for the normal college of The City of New York, and like institutions in the department of education. Any vacancy in the said office of superintendent of school buildings shall be filed by appointment for the unexpired term.

Id.; deputy in each borough; plans for school buildings.

Sec. 1073. The superintendent of school buildings may appoint a deputy superintendent for each of the boroughs, who shall be an architect or engineer of good standing, and, with the authority of the board of education, he may empower a deputy superintendent in his place and stead to execute all the duties of superintendent and such other duties as the board of education may, by regulation, prescribe. All plans for new school buildings, for additions to school buildings, and for structural changes in old buildings, shall be passed upon, and must be approved by the superintendent of school buildings, who shall submit such plans to the board of education, whose action thereon shall be final.

Id.; appointment of janitors.

Sec. 1074. Janitors shall be appointed by the board of education.

Board of education; purchase of, and regulations regarding supplies.

Sec. 1075. The board of education shall provide for the purchase of all books, apparatus, stationery and other things necessary and expedient to enable the schools of the city to be properly and successfully conducted. It shall cause to be furnished all necessary supplies, and shall make regulations for the furnishing thereof to the schools in the several boroughs. The board of education shall have power to enact by-laws and resolutions for the government of the superintendent of supplies, which by-laws and resolutions shall provide that all supplies, as far as possible, shall be obtained by contract, made at public letting in the manner provided by section four hundred and nineteen of this act.

Superintendent of supplies; oath and security by; subject to regulations of board; vacancy; deputy superintendent and subordinates; depots of supplies.

Sec. 1076. The superintendent of school supplies shall take and subscribe before the secretary of the clerk of the board of education the oath prescribed by the constitution of this state, and shall give such security for the faithful performance of the duties of his office as the board of education may direct; and the bureau under his charge shall be subject to such rules and regulations as the board may establish. Any vacancy in the said office of superintendent of school supplies shall be filled by appointment for the unexpired term. The superintendent of school supplies may appoint such deputy superintendents and such other subordinates as the by-laws of the board of education may authorize, and he may, with the authority of said board, empower a deputy superintendent in his place and stead to execute all the duties of the superintendent, and such other duties as the board of education may by regulation prescribe. He shall establish such depots of supplies in any of the boroughs as may be authorized by the board of education. The superintendent of school supplies shall be the executive officer of the board in respect of the purchase, storing and distribution of all supplies for the use of the schools, the board of education, the officers and employes thereof, the several local school boards and the office of the city superintendent; the printing for the board and any of its officers, employes or departments, and the local school boards; transportation of school children; and such other matters as may be assigned to him as such executive officer by the by-laws of the board. He shall advertise for bids for supplies and equipments for the use of the schools, the board of education or any of the bureaus thereof and the several local school boards, which have been authorized by the board of education, and when such advertisement is required by law or the by-laws of the board.

City superintendent of schools; rights and duties.

Sec. 1077. The city superintendent of schools shall have the right of visitation and inquiry in all of the schools of The City of New York as constituted under this act, and he shall report to the board of education on the educational system of the city, and upon the condition of any and all of the schools thereof. He shall have a seat in the board of education, and the right to speak on all matters before the board, but not to vote.

Id.; further duties; annual report; clerks of main office.

Sec. 1078. The city superintendent of schools, so often as he can consistently with his other duties, shall visit the schools of the city as he shall see fit, and inquire into all matters relating to the government, course of instruction, methods of teaching, management and discipline of such schools, and the condition of the schoolhouses and of the schools generally; and shall advise and encourage the pupils and teachers and officers thereof; subject to the bylaws of the board of education, he shall prescribe suitable registers, blanks, forms and regulations for the making of all reports, and for conducting all necessary business connected with the school system and he shall cause the same, with such information and instructions as he shall deem conducive to the proper organization and government of the schools, and the due execution of their duties by school officers, to be transmitted to the officers or persons entrusted with the execution of the same. He shall submit to the board of education an annual report containing a statement of the conditions of the schools of the city, and all such matters relating to his office, and such plans and suggestions for the improvement of the schools and the school system, and for the advancement of public instruction in The City of New York as he shall deem expedient, and as the bylaws of the board of education may direct. He shall under the direction of the board of education enforce the compulsory education law, and shall nominate attendance officers to the board of education and shall direct such officers in their duties. He may appoint such clerks as he may deem necessary, and as are authorized by the board of education. He shall assign his clerks to the various duties, and may suspend or discharge them for cause, but in such case the clerks shall have a right of appeal to the board of education. He shall report as often as the board of education shall direct upon any matter or matters, entrusted to his charge, in such detail as shall be required of him.

He shall maintain his main office in the borough of Manhattan, and in such building as the board of education shall direct. He shall have power, at any time, to call together any or all of the associate city superintendents and district superintendents for consultation, and shall assign to them, subject to the bylaws of the board of education, such duties as in his judgment will be conducive to the welfare of the public schools of The City of New York. Twenty-three of the district superintendents shall be assigned by the city superintendent to the work of supervision in the local school board districts, to be constituted as hereinafter provided, in such manner that one district superintendent shall be assigned to such duty in two of such districts for the period of one school year. At the end of such period the city superintendent shall have power to change such assignments as he may deem best for the interests of the school system, but only in the manner above provided. District superintendents when not so assigned to such duty in said districts shall be assigned by the city superintendent to such other professional duties as the welfare of the school system may require. It shall further be the duty of the city superintendent to report any case of gross misconduct, insubordination, neglect of duty, or general inefficiency on the part of any associate city superintendent or district superintendent to the board of education. The city superintendent may empower an associate city superintendent to execute all the duties of the city superintendent during his absence or disability. [As amended by Laws of 1913, chap. 45.]

City superintendent, associate city superintendents, board of superintendents, district superintendents and directors.

Sec. 1079. There shall be eight associate city superintendents, who, with the city superintendent, shall constitute the board of superintendents. They shall be appointed by the board of education by a vote of a majority of its members, and shall serve for the term of six years, provided, however, that the borough superintendents in office on the first day of January, nineteen hundred and two, shall serve out as associate city superintendents the terms for which they were appointed by the respective borough school boards heretofore existing, and upon the expiration of their respective terms of office their successors shall be appointed in the manner and for the term herein provided, and provided also that the other four associate city superintendents shall be appointed from the associate borough superintendents in office on the first day of January, nineteen hundred and two, and when so appointed they shall serve out as associate city superintendents the terms for which they were respectively appointed as such associate borough superintendents. The city superintendent shall preside over the board of superintendents, and all communications from the board shall be made in his name unless in any special case he may otherwise elect. The board of education shall have power to pass by-laws regulating the duties of the city superintendent and of the board of superintendents. There shall be twenty-six district superintendents to be appointed by the board of education for the term of six years upon the nomination of the board of superintendents, provided, however, that the associate borough superintendents in office on the first day of January, nineteen hundred and two, shall serve out as associate city superintendents or as district superintendents the terms for which they were appointed as such associate borough superintendents by the respective borough school boards heretofore existing; and upon the expiration of their respective terms of office their successors shall be appointed in the manner and for the term above provided. The offices of borough superintendent of schools and associate borough superintendent of schools shall be abolished on the first Monday of February, nineteen hundred and two. Except as herein otherwise provided, no person shall be eligible for election as city superintendent, associate city superintendent, or district superintendent who has not one of the following qualifications: (a) Graduation from a college or university recognized by the University of the State of New York, together with at least five years of successful experience in teaching or supervision since graduation; (b) A principal's certificate for any of the boroughs of The City of New York obtained as a result of examination, together with ten years' successful experience in supervision or teaching. Resignations of the city superintendent and the associate city superintendents shall be made to the board of education. Resignations of the district superintendents and directors of special branches shall be made to the board of superintendents and shall be reported immediately to the board of education. The board of education shall have power, upon the nomination of the board of superintendents, to appoint such directors of special branches as it deems necessary, for the term of six years; such directors, shall be subject to the supervision and direction of the city superintendent. No person shall be eligible for election as director of a special branch, such as music, drawing, kindergarten, etc., who is not: (a) A graduate of a college or university recognized by the University of the State of New York; and (b) a graduate from a course of professional training of at least two years in the special branch that he is to supervise or teach; and (c) a teacher of that special branch with at least three years of successful experience. Nothing in this act contained shall prevent the re-election of any superintendent in office at the time of the passage of this act.

General duties of district superintendents.

Sec 1080. Under the supervision and direction of the city superintendents, district superintendents shall visit every school in the district to which they are assigned; shall inquire into all matters relating to the government, courses of study, methods of teaching, discipline and conduct of such schools, and the condition of the school houses and of the schools generally; shall examine classes when necessary; and shall advise, assist and encourage the pupils and teachers thereof. The district superintendents shall report the results of such inspections and examinations to the city superintendent, who shall transmit such parts of said reports as he may consider necessary or proper to the board of education and to the local school boards for the districts for which the same are made respectively. Such reports shall be made at such time, concerning such matters, and in such form as said city superintendent shall require. It shall further be the duty of each district superintendent to report to the local school boards for the districts for which he is assigned, and through the city superintendent to the board of education, any case of gross misconduct, neglect of duty, or general inefficiency arising in such district on the part of any principal or teacher or other member of the educational staff within his jurisdiction.

Board of superintendents; lists of principals, etc., to be kept by; where principals report.

Sec. 1081. The board of superintendents shall keep a list of all principals and teachers in the service of the board of education in the several boroughs, with a record of the dates of their appointment, the grades and classes taught by them, and of such other matters as the board of superintendents may prescribe. Such lists shall be open to the inspection of teachers (as to their own records only), of members of the board of education, of the members of the local school boards, of district superintendents, and of principals. Principals shall report to the city superintendent or to the district superintendent within their district at such times, upon such matters, and in such form as the city superintendent or such district superintendent may require.

Promotion or transfer of pupils; rules and regulations.

Sec. 1082. The board of superintendents shall establish for the schools, subject to the approval of the board of education, rules and regulations for the reception of pupils in the schools of the city, the promotion of pupils from grade to grade, from school to school, for the graduation from all grades of schools, and for the transfer of pupils from one school to another.

Recommendations of and requisitions for text books and scholastic supplies.

Sec. 1083. The board of education shall, upon the recommendation of the board of superintendents, approve text books, apparatus and other scholastic supplies for use in the public schools of the city. Requisitions for such text books, apparatus and scholastic supplies shall be made by principals upon the superintendent of supplies under rules to be established by the board of education, but no requisition for any school shall be honored unless it is approved in writing by the district superintendent of the district where such school is situated.

Changing grades of schools and classes; courses of study.

Sec. 1084. The board of education shall have power to change the grades of all schools and of all classes of the schools under its charge, and to adopt and modify courses of study for all schools.

No such change or modification, however, shall be made unless such proposed change or modification is first submitted to the board of superintendents.

The said board of superintendents shall thereupon within such time as the bylaws may prescribe and not less than forty days thereafter report thereon.

In case such report is adverse such change or modification shall not be effectual unless passed by a vote of two-thirds of all the members of the board of education. [As amended by Laws of 1913, chap. 749.]

Duties of the board of superintendents, city superintendent, district superintendent and supervisors with reference to special branches.

Sec. 1085. The board of superintendents, with the advice of the directors of the respective special branches, shall assign to the several school districts such teachers of drawing, music, physical culture, manual training, cooking, sewing or other special branches as the board of education may appoint. The district superintendents shall assign such teachers of special branches to their duties in the schools of the several districts to which they are appointed. The directors of special branches shall act as advisors to the board of superintendents, to the district superintendents, and to principals, with regard to the special branches they supervise; under the direction of the city superintendent they shall examine the work in their several branches, report upon the same, and instruct special teachers and class teachers in the teaching of their several branches.

Methods of teaching; syllabuses of topics.

Sec. 1086. Subject to regulations prescribed by the board of superintendents, and under the supervision of the district superintendent in charge, the principal of each school shall direct the methods of teaching in all classes under his charge. The board of superintendents shall have the power, from time to time, to issue syllabuses of the topics in the various branches taught, which shall be regarded as the minimum amount of work required in such branches.

Power to create local school board districts; presidents of the boroughs to appoint members of the local school boards; terms, organization, etc., of local school boards.

Sec. 1087. Prior to the fifteenth day of February, nineteen hundred and two, the board of education shall divide the boroughs under its charge into forty-six local school board districts, of which twenty-two shall be wholly in the borough of Manhattan, fourteen wholly in the borough of Brooklyn, four wholly in the borough of The Bronx four wholly in the borough of Queens, and two wholly in the borough of Richmond. The districts in each borough must be compact in form, and, as near as may be, of equal school attendance in the public schools therein. Subject to such conditions of equality of school attendance and that the districts shall be compact in form, the board of education shall thereafter have power every five years, again to divide the said boroughs into said number of districts, making such changes in existing districts as it deems proper. Upon the division of the several boroughs into such districts, and upon any redivision thereof as above provided, the board of education shall file maps of the same, duly authenticated by the secretary of the board, in the office of the mayor of The City of New York, and at the same time shall also file in the office of the president of each borough a duplicate, similarly authenticated, of the portion of said maps showing the division or redivision of such borough into such districts. There shall be in each of said districts a local school board consisting of seven members, as follows: Five persons to be appointed by the president of the borough, a member of the board of education designated by the president of that board, as hereinafter provided, and the district superintendent assigned to duty in such district by the city superintendent, as hereinbefore provided. When the board of education, pursuant to the powers above conferred, shall have divided any borough or boroughs into local school board districts, the presidents of the boroughs in which such districts are located respectively shall, within thirty days thereafter, appoint in and for each of such districts five members of the local school board to hold office respectively as may be designated in their letters of appointment, for one, two, three, four and five years from the first day of January next following the date of their appointments. Upon the expiration of their respective terms, such presidents shall appoint their successors for the full term of five years. Where boundaries of any of the local school board districts shall be changed by a redivision of a borough or any part thereof, the board of education shall have power, and it shall be its duty, to designate the new districts within which the local school boards appointed for districts affected by such redivision shall thereafter act. Such designation shall be made in such manner that the new district within which any local school shall thereafter act shall contain a portion of the district for which such board was originally appointed. Within such new districts respectively the said local school boards shall have the same powers, duties and functions theretofore exercised by them within the districts for which they were originally appointed; and they shall serve out as members of the local school board for such new districts the term of office for which they were appointed respectively. All members of local school boards shall serve without pay, and shall be residents of the districts in and for which they are appointed, except that where local school boards are designated by the board of education to act in new districts created as aforesaid, it shall not be necessary for the members thereof to be residents of such districts during the remainder of their terms of office respectively. Any vacancy in any local school board caused by death, resignation or otherwise, shall be filled for the unexpired term by the president of the borough where such vacancy may occur. Each local school board shall, within ten days after all the members thereof shall have been appointed, in the year nineteen hundred and two, and on the second Monday of January in every year thereafter, organize by the election of two of its members as chairman and secretary. It shall meet as often as may be necessary for the efficient performance of the duties imposed upon it, and not less than once in each month excepting July and August. The president of the board of education shall designate each member of the said board to be an ex-officio member of one local school board within the borough where such member shall reside, and he shall serve as a member of such local school board for the term of one year or until the earlier expiration of his term of office as a member of the board of education. When a member of the board of education shall cease for any cause to be a member of the local school board to which he is designated, the president of the board of education shall designate his successor as above provided. A member of the board of education sitting as a member of a local school board shall have power to vote, but shall not be eligible for election as the chairman or secretary of such board. The district superintendent assigned to any local school board district as herein provided shall have a seat in the local school board district for such district, and the right to speak on all matters before the board. But he shall not have the right to vote or be eligible for election as chairman or secretary of the board. The powers, duties and functions of the inspectors of common schools in office on the thirty-first day of December, nineteen hundred and one, shall continue until the fifteenth day of February, nineteen hundred and two, or until the earlier division of the said boroughs into local school board districts as above provided, when they shall cease and determine and the offices of said inspectors shall thereupon be abolished.

Duties of local school boards.

Sec. 1088. Subject to regulation by the by-laws of the board of education, the duties and powers of the local school boards shall be as follows: (a) In their respective districts, they shall visit, at least once in every quarter, all schools in the district, and inspect the same, in respect to punctual and regular attendance of the pupils and teachers, the number and fidelity of the teachers, the studies, progress, order and discipline of the pupils, the cleanliness, safety, warming, ventilation and comfort of school premises, and the observance of the provisions of the local school laws in respect to the teaching of sectarian doctrines or the use of sectarian books; and shall call the attention of the board of education, without delay, to every matter requiring official action. They shall also, on or before the first day of January and June of each year, make a written report to the board of education in respect to the conditions of the schools, the efficiency of teachers, and the wants of the district, especially in regard to schools and school premises. (b) They shall report immediately to the board of education whenever additional accommodation is necessary for kindergarten or elementary school purposes, with a recommendation of the sites within their respective districts which they consider it necessary to acquire for such purposes. They shall also recommend the erection of such buildings on said sites or on any other property owned by The City of New York, and such repairs or alterations of school buildings, as they deem necessary or desirable. They shall from time to time when additional school accommodation is necessary report to the board of education premises which are suitable and may be hired for that purpose, with the terms upon which the same may be obtained; such report shall be accompanied by a certificate from the borough president that the premises so recommended comply with the law and ordinances in relation to buildings to be used for school purposes. (c) They shall report immediately to the board of education any dereliction of duty on the part of the superintendent of supplies, superintendent of school buildings, the city superintendent, or any of their deputies or assistants or the employes in their respective departments, and they shall present to the board of education all of the facts and circumstances constituting such dereliction of duty. (d) They shall have power to excuse absences of teachers within their respective districts, subject, however, to the approval of the board of superintendents in cases where teachers are excused with pay, and in accordance with by-laws of the board of education prescribing rules to govern all such cases. (e) They shall try and determine all matters relating to discipline, corporal punishment and other matters affecting the administration of the schools in their respective districts arising upon the complaint of pupils, parents or guardians against teachers or principals, and shall impose such penalties as may be prescribed by the by-laws of the board of education. But they shall not have power to pass upon any such complaint against a teacher until after the matter has been referred to the principal of the school in which such teacher is employed, and he has made a report thereon. (f) They shall have power, and it shall be their duty, to try charges made by a principal, a district superintendent or by any parent or guardian of a pupil, residing in the district, against a teacher employed within their respective districts, for gross misconduct, insubordination, neglect of duty or inefficiency. On receiving notice of said charges they shall immediately proceed to try and determine the case and shall fix the penalty or punishment to be imposed for the offense committed, which shall consist of a fine, suspension for a fixed time without pay, or dismissal. Their determination upon such charges and the penalty or punishment imposed therefor shall be reported immediately to the board of education, which may reject, confirm or modify the determinations of the local board, and the penalty or punishment imposed and the decision of the board shall be final except as to matters in relation to which, under the general school laws of the state, an appeal may be taken to the state superintendent of public instruction. (g) They shall present charges of any dereliction of duty on the part of janitors in their respective districts and present proof thereof to the board of education. (h) They shall procure the enforcement of the law and the by-laws of the board of education relating to the sanitary condition of the schools and the health of the pupils in their respective districts. (i) They shall have power to transfer teachers from school to school within their respective districts, but only after hearing the principals of the schools affected by such transfers, and subject to the approval of the board of superintendents, provided, however, that such transfer shall not involve promotion or increase of salary. (j) They shall report to the board of education and to the board of superintendents all vacancies in the teaching force as soon as such vacancies shall occur. (k) Each local school board shall have power and it shall be its duty to adopt by-laws regulating the exercise of all powers and duties vested in it, which by-laws shall not conflict with the by-laws of the board of education or with the provisions of this chapter. Each local school board shall keep a record of the proceedings of the meetings of the board, which shall be open at all times to inspection by the board of education or any member thereof. The board of education shall from time to time provide for such expenses and furnish such clerical assistance as may be necessary for the proper performance by

the local school boards of the city of the duties imposed upon them by this act. The secretary of a local school board shall have charge of the books, papers and documents of the board. He is hereby authorized to administer oaths and take affidavits in all matters pertaining to the schools of The City of New York in his district, in which a local school board has power to act, and for that purpose shall possess all the powers of a commissioner of deeds, but shall not be entitled to any fees or emolumeuts thereof. The board of education shall provide meeting places for tho local school boards, which may be in any of the school huildings in their respective districts.

Board of examiners; teachers' licenses, etc.

Sec. 1089. A board of examiners is hereby constituted whose duty it shall be to examine all applicants who are required to be licensed in and for The City of New York, and to issue to those who pass the required tests of character, scholarship aud general fitness, such licenses as they are found entitled to receive. Such board of examiners shall consist of the city superintendent of schools, together with four persons appointed by the board of education upon the nomination of the city superintendent. The terms of the first four examiners so appointed shall be one, two, three and four years, respectively, and as their terms respectively expire, their successors shall he appointed for a full term of six years, which shall thereafter be the full and regular term of office of said examiners. They shall be paid such compensation as the board of education shall prescribe. The city superintendent of schools shall have power with the consent of the board of education to employ assistants temporarily at rates to he fixed by the board of education. To be eligible to appointment as an examiner, an applicant must possess some one of the following qualifications to wit:

(a) A degree or diploma of graduation from a college or university recognized by the regents of the university of the state of New York, together with at least five years' successful experience in teaching since graduation.

(b) A state certificate obtained as the result of an examination held since eighteen hundred and seventy-five, together with at least ten year's successful experience in teaching.

(c) The highest certificate for a principal or superintendent in force when this act takes effect in any city included in The City of New York as constituted by this act, together with at least ten years' successful experience in teaching. No associate city superintendent, district superintendent, principal or teacher in The City of New York shall be allowed to serve on the board of examiners. The board of education on the recommendation of the board of superintendents shall designate, subject to the requirements of the state school law in force when this act takes effect or that may thereafter he enacted, the kinds or grades of licenses to teach which may or shall be used in The City of New York, together with the academic and professional qualifications required for each kind or grade of license. The hoard of education, on the recommendation of the board of superintendents, shall also designate, subject to the like limitations, the academical and professional qualifications required for the service of principals, branch principals, supervisors, heads of departments, assistants and all other members of the teaching staff. The board of examiners shall hold such examinations as the city superintendent may prescribe, and shall prepare all necessary eligihle lists, which shall be kept in the office of the city superintendent of schools, and he open to inspection by members of the board of education, associate city superintendents and district superintendents, and local school boards. All licenses shall be issued in the name of the city superintendent of schools. Graduates of colleges and universities recognized hy the regents of the university of the state of New York, who have pursued for not less than one year pedagogical courses satisfactory to the city superintendent; graduates of schools and colleges for the training of teachers, approved by the state superintendent of public instruction; and teachers holding a state certificate issued by the state superintendent of public instruction since the year eighteen hundred and seventy-five, or holding a college graduate's certificate issued by the same authority, or persons who on the first Monday of February, nineteen hundred and two, shall be associate horough superintendents of schools in any borough of The City of New York, may be exempted, in whole or in part, from such examination at the discretion of the city superintendent. The names of those to whom licenses have been granted, including those exempted from examination and those duly licensed in the several horoughs prior to the date on which this act takes effect, shall he entered by the city superintendeut upon lists to he filed in his office, a separate list heing made for each grade or kind of license for which the board of education shall by its by-laws make provision. Such eligible lists shall not he merged and one eligihle list shall be exhausted before nominations are made from a list of subsequent date. Provided, however, no eligible list shall remain in force for a period longer than three years excepting the principals' eligihle list, which shall remain in full force and effect until exhausted. Such lists shall always bo open to the inspection of the members of the hoard of education, the members of the local school boards, the associate city superintendents, the district superintendents, and the principals of schools. Except as city superintendent or associate city superintendent or district superintendent, as director of a special branch, as principal of or teacher in a training school or as principal of a high school, no person shall be appointed to any educational position whose name does not appear upon the proper eligible list. No person shall teach in any public school in the city who has not such license, except as herein otherwise provided, nor shall any unlicensed teacher have any claim for salary. Licenses to teach shall he issued by the city superintendent of schools for a period of one year, which may be renewed without examination in case the work of the holder is satisfactory to the city superintendent for two successive years. At the close of the third year of continuous, successful service, the city superintendent may make the license permanent. Authority to revoke any permanent license for cause shall be vested in the state superintendent of public instruction.—As amended by Laws 1912, Chapter 455.

Appointment and resignation of principals and teachers.

Sec. 1090. Principals, branch principals, heads of departments, teachers, assistants and all other members of the teaching staff, shall he appointed by the board of education on the nomination of the board of superintendents. Such nominations and appointments shall he made except in the case of high schools or training schools for teachers, for the several local school board districts respectively, and when so made the principals, hranch principals, heads of departments, teachers, assistants and all other members of the teaching staff shall be assigned to duty to such schools, and to such positions in such schools, as the board of superintendents shall determine. Where practicable, teachers shall be appointed for districts in the horoughs where they reside. Teachers and principals may be promoted or transferred from one school to any other school within the city hy the board of superintendents, subject to the approval of the board of education; provided, however, that the teacher shall not be transferred from a school in one borough to a school in another borough without his or her cousent. For all purposes affecting the appointment, promotion or transfer of the teachers in any school, the district superintendent assigned to the district in which such school is situated, the principal of such school and, in the case of transfer, the district superintendent and the principal of the school to which it is proposed to transfer a teacher, shall have seats in the board of superintendents, with votes ou such propositions. The provisions of this section shall not be held to affect or impair the power of the several local school hoards to transfer teachers from school to school within their respective districts, as hereinhefore provided. The nominatious provided for ahove must he made from the list of property certificated principals and teachers and other persons eligible for service in the positions to he filled, in the regular order of the standing of the candidates on said lists, provided, however, that the hoard of superintendents may consider for each appointment the three persons whose names are highest on the appropriate eligible lists. Existing eligible lists in The City of New York and the relative standing of persons whose names are on said lists shall not be affected hy the passage of this act. The time within which said hoard of education shall finally act upon said nominations, either by appointing such principal or teacher or other officer or by rejecting such nominations, is hereby fixed at forty days from the filing of such recommendation in the office of the secretary of the board. The failure on the part of the hoard of education to confirm or to reject a nomination within the time prescribed herein shall he held as equivalent to the appointment of the principal or teacher nominated. In ease of a failure or of repeated failure to appoint, other names shall he submitted to the board of education for its consideration within two weeks after each failure, until an appointment is made. In case of the consolidation of schools or of the discontinuance of any school, principals and teachers of good standing, who thereby may be deprived of employment, shall he preferred in appointments to he made in any of the schools of the city. Resignations of principals and teachers, and of all other members of the teaching staff, shall he made to the city superintendent.

Board of education; power to fix salaries; method, regulating.

Sec. 1091. The board of education shall have power to adopt bylaws fixing the salaries of all members of the supervising and the teaching staff; and the salaries of all principals and teachers shall be regulated by merit, grade of class taught, length of service, experience in teaching, or by a combination of these considerations. Such by-laws shall establish a uniform schedule of salaries for the supervising and the teaching staff throughout all boroughs.

The salaries of the members of the supervising and teaching staffs shall be as follows:

The salary, including the annual increment, to which a present member is entitled under a specific salary schedule now existing shall not be reduced, nor shall any position in the elementary schools to which any member of the supervising or teaching staff was eligible on December thirty-first, nineteen hundred and eleven, be abolished by the operation of this act. Beginning with the first day of January, nineteen hundred and twelve, third month following the taking effect of this act, the salaries, including the annual increments, of all members shall be not less than those fixed in the schedules and schedule conditions approved by the board of education on the seventeenth and twenty-fourth days of May, nineteen hundred and eleven. After said date, if a present male member be advanced in a position higher in rank, his salary including the annual increment, in the advanced position shall be not less than the compensation provided by statute for the position on the first day of July, nineteen hundred and eleven, nor less than that received by him immediately prior to such advance.

The salary and annual increment of any male person, who was, on December thirty-first, nineteen hundred and eleven, on an eligible list for license number one, or who was, on that date, serving as a pupil teacher in the fourth term work of any training school for teachers in said city, or who was, on that date, a student in any such training school, and who was appointed, after said date, from an eligible list for license number one, or who, as a regularly matriculated student in any college located in the city of New York

and recognized by the regents of the university of the state of New York, had, prior to said date, completed or entered upon a regularly prescribed course approved by the state commissioner of education, in the department of education in such college, and who was appointed, after said date, from an eligible list for license number one, or who had resigned from the teaching force of the public school system of the city of New York, prior to December thirty-first, nineteen hundred and eleven, and was, after said date, reappointed from an eligible list for license number one, shall be not less than the compensation provided by statute for the position on the first day of July, nineteen hundred and eleven.

The salary of a principal, assistant to principal, head of a department or male teacher in the grades of the seventh and eighth years appointed to teach in elementary schools prior to January first, nineteen hundred and twelve shall be not less than that now fixed for any regular teacher in the elementary schools. In the schedules of salaries hereafter adopted there shall be no discrimination based on the sex of the member, except as hereinbefore provided. A copy of such schedules and schedule conditions approved by the board of education on the seventeenth and twenty-fourth days of May, nineteen hundred and eleven, certified by the secretary of the board, shall, within thirty days hereafter, be filed in the office of the secretary of state. The board of examiners shall issue to a principal or a teacher who has had experience in schools other than the schools in the city of New York, a certificate stating that experience of such teacher is equivalent to a certain number of years of experience in the schools of the said city. The board of examiners shall issue to a principal or teacher who has had experience in schools other than the high and training schools of the city of New York, a certificate stating that the experience of such teacher is equivalent to a certain number of years of experience in the high and training schools of the said city. Such certificates made by the board of examiners shall be final and conclusive on all matters pertaining to experience therein stated, and shall entitle their holders to salaries in accordance with the schedules of salaries established in conformity with this section, in like manner as though the years mentioned in such certificates had been served in those schools of the city of New York that are respectively mentioned in such certificates.—As amended by Laws of 1914, Chapter 264.

Public school teachers' retirement fund.

Sec. 1092. The general care and management of the public school teachers' retirement fund created for the former city of New York by chapter two hundred and ninety-six of the laws of eighteen hundred and ninety-four, and of the public school teachers' retirement fund created for the former city of Brooklyn, by chapter six hundred and fifty-six of the laws of eighteen hundred and ninety-five, is hereby given to the board of education, and the said funds are hereby made parts of the retirement fund of the board of education of the city of New York created by this act. The board of education shall from time to time, establish such rules and regulations for the administration of said fund as it may deem best, which rules and regulations shall preserve all rights inhering in the teachers of the city of New York and the city of Brooklyn as constituted prior to the passage of this act; and said board shall make payments from said fund of annuities granted in pursuance of this act. The comptroller of the city of New York shall hold and invest all money belonging to said fund and by direction of said board of education shall pay out the same; and he shall report in detail to the board of education of the city of New York, annually, in the month of January, the condition of said fund and the items of the receipts and disbursements on account of the same. The said retirement fund shall consist of the following, with the interest and income thereof: (1) All money, pay, compensation or salary, or any income thereof forfeited, deducted, reserved, or withheld for any cause from any member or members of the teaching or supervising staff of the public day schools of the city of New York or of the normal college and training department of the normal college of the city of New York, or of schools or classes maintained in institutions controlled by the department of public charities or by the department of correction, in pursuance of rules established or to be established by the board of education, or by the board of trustees of the normal college of the city of New York, or by the commissioner of public charities, or by the commissioner of correction for schools or classes maintained by such commissioners respectively. The auditor of the board of education, the auditor of the board of trustees of the normal college, the commissioner of public charities, and the commissioner of correction shall certify monthly to the comptroller the amounts so forfeited, deducted reserved or withheld during the preceding month. Said amounts shall be turned into the said retirement fund. (2) All moneys received from donations, legacies, gifts, bequests, or otherwise for or on account of said fund. (3) Five per centum annually of all excise moneys, or license fees belonging to the city of New York, and derived or received by any commissioner of excise or public officer from the granting of licenses or permission to sell strong or spirituous liquors, ale, wine, or beer in the city of New York, under the provisions of any law of this state authorizing the granting of such license or permission. (4) One per centum of the salaries of all members of the teaching and supervising staff of the public day schools of the city of New York, and of the normal college and training department of the normal college of the city of New York, and of schools or classes maintained in institutions controlled by the department of public charities or by the department of correction of the city of New York, except that the amount deducted from the salary of any teacher or principal of the public day schools of the city of New York or of schools or classes maintained in institutions controlled by the department of public charities or by the department of correction of the city of New York, in this manner, shall not exceed thirty dollars in any one year, and the amount deducted from the salary of any supervising official, in this manner, shall not exceed forty dollars in any one year. And the board of education, the board of trustees of the normal college, the commissioner of public charities, and the commissioner of correction shall, after the passage of this act, deduct on each and every pay-roll of the said teaching and supervising staff said one per centum from each and every amount earnable in the period covered by the said pay-roll, notwithstanding the minimum salaries provided for by section ten hundred and ninety-one of the charter shall be thereby reduced, and shall certify monthly to the comptroler, the amount so deducted; and said amounts shall be turned into the said retirement fund. All deductions made under the provisions of this clause from the salary of any person who may be dismissed from the service for cause, before said person shall have become eligible for retirement, under the provisions of this act, shall be refunded to said person upon such dismissal. (5) All such other methods of increment as may be duly and legally devised for the increase of said fund. The moneys standing to the credit of the retirement fund on the thirty-first day of December, nineteen hundred and four, after subtracting therefrom any amounts forfeited, deducted, reserved or withheld from salaries for absences prior to that date, which may, on excuse of absence, be refunded after that date, all excise moneys of nineteen hundred and four which may have been credited to said fund on or before that date, and all interest for nineteen hundred and four on said fund, which may have been credited to said fund on or before said date, shall be set apart by the comptroller as a permanent fund. The unexpended balances of the income of the teachers' retirement fund for the year nineteen hundred and five, and for all subsequent years, shall be added to the said permanent fund. The comptroller shall invest the said permanent fund, and the income thereof may be used for the payment of annuities, but if necessary, in order to carry out the provisions of this act, the board of education may use any portion of the permanent fund in excess of eight hundred thousand dollars in the same manner as the income thereof. The president of the board of education, the chairman of the committee on elementary schools of said board, the chairman of the committee on high schools of said board, the city superintendent of schools, and three members to be selected from the principals, assistants to principals and teachers of the public day schools shall constitute a board of retirement. The three last-named members shall be chosen as follows: On the second Thursday of May in each year the principals, assistants to principals and teachers in each district shall meet at the call of the district superintendent, which call he shall issue at least one week before said meeting, and at a place within the district designated by him, to select by ballot one of their number as district representative to serve for one year. At the close of said meeting, the presiding officer shall transmit to the secretary of the board of education the name and address of the district representative so chosen. The district representative shall meet at four o'clock in the afternoon on the third Thursday of May at the hall of the board of education and choose by ballot one of their number to serve on the board of retirement for three years from the first day of the following June. At the first meeting of the district representatives after this law takes effect, they shall choose by ballot three of their number to serve on the board of retirement, and the three so chosen shall by lot fix and determine their terms of office as one, two, and three years respectively. Should a vacancy occur among the members of the board of retirement so chosen, the district representatives shall meet and choose by ballot one of their number to serve on the board of retirement for the unexpired term. On the recommendation of the board of retirement, said board of education shall have power by a two thirds vote of all its members, to retire any member of the teaching or supervising staff of the public day schools of the city of New York, or of schools or classes maintained in institutions controlled by the department of public charities or by the department of correction who is mentally or physically incapacitated for the performance of duty, and who has been engaged in the work of teaching or of school or college supervision, or of examination of teachers for licenses, or any two or more of the several kinds of work, for a period aggregating twenty years, fifteen of which shall have been in the public day schools in the city of New York, or in schools or classes maintained in institutions controlled by the department of public charities or by the department of correction. And the board of education may retire from active service any member of the said teaching or supervising staff who shall have attained the age of sixty-five years and shall have been engaged in the work of teaching or school supervision for a period aggregating thirty years. On the recommendation of the board of retirement, the board of education shall have power, by a two-thirds vote of all its members, to retire upon his or her own application any member of the teaching or supervising staff of the public day schools of the city of New York, or of schools or classes maintained in institutions controlled by the department of public charities or by the department of correction who has been engaged in the work of teaching or of school or college supervision, or of examination of teachers for licenses, or any two or more of these several kinds of work, for a period aggregating thirty years, fifteen of which shall have been in any of the said institutions. The said board of education shall also have power, by a two-thirds vote of all its members, and after recommendations to that effect shall have been made by the board of trustees of the normal college stating that the member of the supervising or teaching force is mentally or physically incapacitated for the performance of duty, to retire any member of the teaching or supervising force of the normal college or of the training department of the normal college who shall have been engaged in said normal college or training department or elsewhere in the public school system of the city of New York for ten years and shall have been engaged in the work of teaching or of school or college supervision or of examination of teachers for licenses, or any two or more of said several kinds of work, during a period aggregating twenty years. The said board of education, upon the recommendation of the trustees of the normal college may also, in its discretion retire any member of the teaching or supervising force upon his or her own application who shall have been engaged in the work of teaching or school or college supervision or examination of teachers for licenses, or any two or more such occupations, for a period aggregating thirty years. Upon such retirement, whether voluntary or otherwise, the person retired shall be entitled to receive an annuity out of the teachers' retirement fund of not less than one-half of the annual salary paid to such person at the period of retirement, and in case of the president or of a professor to such an additional sum per annum as will increase such one-half of the salary previously paid if not an even multiple of one thousand dollars to an even multiple of one thousand dollars. Any person retired under the provisions of this act after thirty years of service, except as hereinbefore in this section provided in the case of the president or of a professor of the normal college, shall receive as an annuity one-half of the annual salary paid to said person at the date of said retirement, not to exceed, however, in the case of a teacher or principal, the sum of fifteen hundred dollars per annum, and in the case of a supervising official, two thousand dollars per annum. And in no case shall the annuity of any person already retired or hereafter to be retired after thirty years of service, be less than six hundred dollars. Any person retired after twenty years of service, but with less than thirty years of service, shall receive an annuity which bears the same ratio to the annuity provided for on retirement after thirty years of service as the total number of years of service of said person bears to thirty years. The annuities provided for by this act shall be payable in monthly installments. All retirements made under the provisions of this act shall take effect either on the first day of February or on the first day of September. The number of persons retired in any one year shall be so limited that the entire amount of the annuities to be paid for that year shall not be in excess of the estimated amount of the retirement fund applicable to the payment of annuities for that year. The words "teaching and supervising staff of the public day schools of the city of New York," as used in this section, shall include the city superintendent of schools, the associate city superintendents, the district superintendents, the director and assistant director of the division of reference and research, the members of the board of examiners, directors and assistant directors of special branches, the supervisor and assistant supervisor of lectures, all principals, vice-principals, assistants to principals, heads of departments, and all regular and special teachers of the public day schools of the city of New York. Nothing in this act shall be construed as prohibiting the reappointment to active service, on his or her own application, of any person who has been retired under the provisions of this act. Upon the reappointment of any such person the payment of the annuity of said person shall be discontinued. Teachers hereafter appointed in schools or classes maintained in the institu-

tions controlled by the department of public charities or by the department of correction, shall be appointed by the commissioner of the appropriate department upon the nomination of the city superintendent of schools and shall be licensed by the board of examiners of the department of education. The department of education through such representatives as it may designate shall maintain an effective visitation and inspection of all such schools and classes.—As amended by Laws of 1914, Chapter 476.

School teachers' retirement fund exempt from execution.

Sec. 1092-a. The moneys, securities and effects of the public school teachers' retirement fund, and all pensions or annuities granted and payable from said fund shall be and are exempt from levy and sale by virtue of an execution and from all process and proceedings to enjoin and recover the same by or on behalf of any creditor or person, having or asserting any claims against, or debt or liability of, any pensioner or annuitant of said fund.—Added by Laws 1905, Chapter 107.

Expenses of administration; school teachers' retirement fund.

Sec. 1092-b. On the recommendation of the board of retirement, the board of education shall have power, in its discretion, to authorize the expenditure from the public school teachers' retirement fund of a sum not exceeding fifteen hundred dollars in any one year for clerical and other expenses in connection with the administration of said fund, payments therefrom to be made on vouchers prepared and audited in the same maner as payments from other funds under the jurisdiction of the board of education.—Added by Laws 1909, Chapter 505.

Sec. 1092-c. The comptroller of the city of New York is and shall be authorized to pay out of the permanent fund created by section ten hundred and ninety-two of the charter of the city of New York, to the annuitants and pensioners retired prior to December thirty-first, nineteen hundred and fifteen, any deficits in the payment of the monthly installments of the pensions and annuities granted to them, and to pay out of said permanent fund to the said pensioners and annuitants such sums as will, in conjunction with the funds applicable thereto and payable out of the retirement fund of the board of education of the city of New York created by this act, enable the said comptroller to pay the said pensions and annuities falling due in the year nineteen hundred and sixteen and thereafter until a new retirement fund of the board of education of the city of New York shall be fixed by law. But said payments shall not exceed the sum of three hundred thousand dollars.—Added by Laws of 1916, Chap. 613.

Charges against principal and teachers and others; proceedings thereon.

Sec. 1093. A local school board or any member thereof, the city superintendent, an associate city superintendent or a district superintendent may prefer charges to the board of education against a principal, a branch principal, a director, a head of department, or any other officer exercising supervising powers in the schools under their charge, or against a teacher in any of the schools under their charge, for gross misconduct, insubordination, neglect of duty or general inefficiency. Pending trial, the board of education may suspend said principal or teacher or other officer, with or without pay, and appoint a substitute in his place. In accordance with bylaws to be passed by the board of education, a district superintendent shall have the like power to suspend a teacher in a school within his district, and shall forthwith report such suspension to the city superintendent, who shall immediately report it to the board of education. Pending action by the board of education, the city superintendent may appoint a substitute in the place of any teacher so suspended. The board of education, on receiving notice of such charges, shall cause a copy thereof to be served upon the person against whom they have been made either personally or, if personal service cannot be made after reasonable effort, by leaving a copy thereof at his last known place of residence and by sending him a copy thereof through the mails addressed to him at his last known place of residence, returnable in not less than ten days from the date of such service, and in no case returnable during the months of July and August, and the board of education shall then immediately proceed to try and determine the case, either in the board or by a committee of its body, and shall fix the penalty or punishment, if any, to be imposed for the offense, and such penalty or punishment shall consist of a fine, suspension for a fixed time without pay, or dismissal, provided, however, that a vote of a majority of all the members of the board of education shall be necessary to impose the penalty of dismissal. The report of any committee holding such trial shall be subject to final action by the board, which may reject, confirm or modify the conclusions of the committee, and the decision of the board shall be final, except as to matters in relation to which, under the general school laws of the state, an appeal may be taken to the state superintendent of public instruction. In case the principal or other officer or teacher is acquitted, he shall be restored to his position with full pay for the period of suspension. In all trials authorized by this chapter all testimony taken shall be under oath, which the president of the board of education, chairman of a local school board or chairman of the committee conducting the trial is hereby authorized to administer, and the supreme court shall have power, upon the application of such president or chairman, to compel any witness who may be summoned, to appear and testify before said board of education, local school board or committee. [As amended by Laws of 1913, chap. 688.]

Annual report to state superintendent of public instruction.

Sec. 1094 The board of education shall between the first day of August and the thirtieth day of September in each year, make and transmit to the state superintendent of public instruction a report in writing for the state school year ending on the next preceding thirty-first day of July, which report shall be in such form and shall state such facts as the state superintendent and the school laws of the state shall require.

Annual report to mayor; other reports to mayor.

Sec. 1095. The board of education shall, between the first day of August and the thirtieth day of November in each year, make and transmit to the mayor of The City of New York a report in writing, for the year ending on the thirty-first day of July next preceding, stating the whole number of schools under its jurisdiction during the said year, ending on the thirty-first day of July; the number of teachers; the total number of pupils on register, and the average attendance at each school; the number of high schools and training schools for teachers, with the number of teachers and the attendance of pupils at each; the corporate schools or societies from which reports have been made as elsewhere prescribed in this act, the length of time such schools have been kept open, and the number of teachers and of pupils taught in each such school. The board of education shall also between the first day of January and the fifteenth day of February in each year make and transmit to the mayor of The City of New York another report bearing date the thirty-first day of December next preceding stating the total amount of money expended for the purposes of public education in said city during the year ending on said thirty-first day of December. The board of education shall also make in said reports such suggestion and recommendations relative to the public schools of The City of New York as it may deem proper.

Removals by mayor after hearing for neglect or misconduct.

Sec. 1096. Any member of the board of education, or of a local school board may be removed by the mayor of said city, upon proof either of official misconduct of office, or negligence of official duties, or of conduct in any manner connected with his official duties, or otherwise, which tends to discredit his office, or the school system, or for mental or physical inability to perform his duties, but before such removal of said member he shall receive due and timely notice in writing of the charges and a copy thereof, and shall be entitled to a hearing on like notice before the mayor and to the assistance of counsel on said hearing.

The board of education to cause accounts and records to be made and kept.

Sec. 1097. The board of education shall provide the proper book or books, in form as required by its by-laws, and shall cause the class teachers under the direction and supervision of the principal to enter the names, ages and residences of the scholars attending the school, the name of the parent or guardian of each pupil and the days on which the scholars shall have attended respectively, and the aggregate attendance of each scholar during the year, and also the day upon which the school shall have been visited by the city superintendent or by an associate city superintendent or by the district superintendent, or by members of the board of education, or by members of the local school board, or by any of them, which entry shall be verified by such oath or affirmation of the principal as may be prescribed by the board of education. These books shall be preserved as the property of the board of education and shall at all times be open to inspection by members of the board of education, by members of the local school boards and by the city superintendent, or by any associate city superintendent, or by the district superintendents.

School officers not to be interested in contracts; removal of.

Sec. 1098. The board of education shall have power to remove from office any school officer who shall have been directly or indirectly interested in the furnishing of any supplies or materials, or in the doing of any work or labor, or in the sale or leasing of any real estate, or in any proposal, agreement or contract for any of these purposes, in any case in which the price or consideration is to be paid, in whole or in part, directly or indirectly, out of any school moneys, or who shall have received, from any source whatever, any commission or compensation in connection with any of the matters aforesaid; and any school officer who shall violate the preceding provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one thousand dollars or imprisonment in the city prison not exceeding one year, or both, and shall also be ineligible to any school office. The provisions of this section shall not apply to authors of school books used in any of the public schools because of any interest they may have as authors in such books.

Contributions to political funds, etc., prohibited.

Sec. 1099. Neither the city superintendent of schools, nor any associate or district superintendent of schools, nor any member of the board of examiners, nor any member of the supervising or teaching staff of the department of education of The City of New York, shall be permitted to contribute any moneys, directly or indirectly, to any fund intended to affect legislation increasing their emoluments.

Powers of investigation.

Sec. 1100. The board of education may investigate, of its own motion or otherwise, either in the board or by a committee of its own body, any subject of which it has cognizance or over which it has legal control, including the conduct of any of its members or employes or those of any local school board; and for the purpose of such investigation, such board or its president, or committee and its chairman, shall have and may exercise all the powers which the board of education has or may exercise in the case of a trial under section one thousand and ninety-three of this act. Any action or determination of a committee appointed under the provisions of this section shall be subject to approval or reversal by the board, which may also modify the determination of the committee in such way as the board shall deem proper and just, and the judgment of the board thereon shall be final.

Continuation in office of all employes under the public school system.

Sec. 1101. Except as herein otherwise provided, the city superintendent, the members of the board of examiners, the supervisors, the directors, and all principles, teachers and other members of the educational staff in the public school system of any part of The City of New York, and all school officers or other employes appointed by the board of education before this act takes effect, including the secretary of the board, the city superintendent of schools, the superintendent of school buildings, the superintendent of school supplies, the auditors, and all deputies, clerks and other employes in their respective offices, shall continue to hold their respective positions and to be entitled to such compensation as is now provided or may hereafter be provided by the lawful authority, subject to change of title, to reassignment or to removal for cause, as may be provided by law, and subject to the right of the said board to abolish unnecessary positions. The secretaries, clerical force and employes of the several borough school boards abolished by this act, including the supervisor of lectures for the boroughs of Manhattan and the Bronx, shall be assigned by the board of education, and the clerical force and the employes of the several borough superintendents and boards of borough superintendents also abolished by this act shall be assigned by the board of superintendents, to positions and duties corresponding as nearly as may be to their respective positions and duties before this act takes effect without prejudice or advantage, provided, however, that nothing herein contained shall be construed to repeal, limit, modify or abridge any provisions of law or civil service regulations relative to the removal of subordinates by public officers or heads of departments, or to affect the right of adding to the duties or reducing the salary of any secretary, clerk or employe and abolishing unnecessary positions. All licenses to teach are certificates of qualifications for teaching granted by the superintendent of public instruction of the city of Brooklyn, or by authority of the board of education of the said city of Brooklyn, prior to February first, eighteen hundred and ninety-eight, or recognized by the board of education of the said city of Brooklyn or the state superintendent of public instruction as in force at that date in said city, shall unless revoked for cause by the state superintendent of public instruction, be recognized by the city superintendent of schools and the board of examiners of The City of New York, as in full force, and shall entitle the holders to appointment or promotion to any position to which they were respectively eligible by the position of such licenses or certificates. All persons heretofore transferred under the provisions of this chapter as originally enacted to the service of the consolidated city who held offices for definite terms, shall be deemed to have been transferred for the remainder of their respective terms only.

School money appropriation by the state to the public schools of the city.

Sec. 1102. Whenever the city clerk shall receive notice from the state superintendent of public instruction of the amount of moneys apportioned to The City of New York for the support and encouragement of common schools therein, he shall immediately lay the same before the board of aldermen of said city; and the chamberlain of the said city shall apply for and receive the school moneys apportioned to the said city as soon as the same become payable, and place the same in the city treasury, to the credit of the general fund for the reduction of taxation.

TITLE 2.

THE COLLEGE OF THE CITY OF NEW YORK.

To continue as a separate corporation.

Sec. 1127. The College of the City of New York shall continue to be a separate and distinct organization and body corporate, and as such shall have the powers and privileges of a college pursuant to the revised statutes of this state, and be subject to the provisions of the said statute relative to colleges, and to the visitation of regents of the university, in like manner with the other colleges of the state.

Trustees of college of city of New York; number, appointment.

Sec. 1128. The board of trustees of said college on and after the first day of July, nineteen hundred, shall consist of nine residents of the city to be appointed as hereinafter provided, and of the president of the board of education of the city ex-officio. Except as herein otherwise provided, the said board shall have and possess the powers conferred upon and be subject to the duties required of the trustees of colleges by the education law. The mayor of the city of New York shall appoint before the first day of June, nineteen hundred, nine persons to serve as such trustees, to hold office respectively as shall be designated by the mayor, for one, two, three, four, five, six, seven, eight and nine years from the first day of July, nineteen hundred. On or before the first day of June prior to the expiration of the term of office of any trustee the mayor shall appoint his successor for a full term of nine years from the first day of July following. The mayor shall fill any vacancy existing in the office of trustees—other than the president of the board of education—by the appointment of a trustee to hold office for the unexpired term. Each trustee so appointed shall take the oath of office required by the constitution of the state. Any resignation from the office of trustee shall be made to the mayor. No trustee shall be subject to removal under the provisions of section ninety-five of this act, but any trustee may be removed by the mayor upon proof either of official misconduct or negligence of official duties, or of conduct in any manner connected with his official duties or otherwise which tends to discredit his office, or the school system, or for mental or physical inability to perform his duties, but before such removal he shall receive due and timely notice in writing of the charges and a copy thereof, and shall be entitled to a hearing on like notice before the mayor, and to the assistance of counsel on said hearing. The board of trustees shall have power to prescribe by-laws and regulations for the board and for the government of the college, its faculty, instructors and other employees, and to authorize a curator or a member of said board as they deem proper, to advertise for, receive and open any and all bids. Such by-laws shall include rules governing the appointment of all officers, members of the faculty, instructors and other employees of the college. A majority of the members of the board appointed by the mayor as aforesaid shall constitute a quorum for the transaction of business and no resolution or act of the board shall be invalid by reason of any vacancy existing in the board, provided that such act or resolution shall be adopted by a vote of five members of the board.

The board of trustees of said college shall also have power to prescribe rules, regulations, charges and compensation, if any, for the use, and to prescribe the extent, purposes and manner of use, by persons, associations and corporations of the lands or buildings of said college or any part thereof, at such time as the same are not required for the uses of the college and of those attending thereat, and the board of trustees shall also have power to prescribe what fees or charges, if any, such persons, associations or corporations may exact for the attendance at or participation in the uses so permitted. All moneys, if any, so received by said college shall, within ten days after being received, be duly accounted for and paid by said college to the comptroller of the city of New York and shall be by him credited to a special fund for the exclusive benefit and use of the athletic council and other organizations of said college, except as hereinafter provided, and any moneys in said fund when duly appropriated by the board of estimate and apportionment of the city of New York and thereafter by the board of trustees of said college, shall be available for carrying out the powers, duties and functions of said athletic council and other organizations of said college and for no other purpose whatsoever.

Provided that any balance of said moneys received by said comptroller during any fiscal year that may remain in said special fund unappropriated by said board of estimate and apportionment a year after the expiration of each such fiscal year shall be, by said comptroller, when so directed by said board of estimate and apportionment, deposited to the credit of the general fund for the reduction of taxation. [As amended by Chap. 512, Laws of 1915.]

Laws applicable.

Sec. 1129. All acts of the legislature which were in force on March thirtieth, eighteen hundred and sixty-six, in regard to the free academy, and to its control, management, support and affairs, not since modified or repealed, and which are not inconsistent with the provisions of this act, and all laws in force at the time this act takes effect relative to the College of the City of New York not inconsistent with this act are hereby declared to be applicable to the said college.

Participation in state literature and other funds.

Sec. 1130. The College of the City of New York shall be entitled to participate in the distribution of the income of the literature and other funds in the same manner and upon the same conditions as the other colleges of the state, and the regents of the University of the State of New York shall pay annually to the comptroller of The City of New York, as trustee for said college, the distributive share of the said funds to which the said College of The City of New York shall, by law, be entitled, and which shall be ap-

pllied and expended for library books for the said college.

College officials and professors' retirement fund.

Sec. 1130-a. A retirement fund for the president, vice president, professors, assistant professors and instructors of the College of the City of New York is hereby created, and shall consist of one per centum annually, or as much thereof as is necessary for the purpose of this act, of all excise moneys or license fees belonging to The City of New York as constituted by this act and derived or received in any current year by any commissioner of excise or public officer from the granting of licenses or permission to sell strong or spirituous liquors, ale, wine or beer or of any moneys paid for taxes upon the business of trafficking in or selling or dealing in strong or spirituous liquors, ale, wine or beer, in the boroughs of Manhattan, Bronx, Brooklyn, Queens and Richmond under the provisions of any law of this state authorizing the granting of any such license or permission, the said one per centum, or as much thereof as is necessary, to be paid by the comptroller of said city, who is hereby authorized and required to pay the same to the persons entitled to the said retirement fund as hereinafter prescribed, such sum to amount in each and every year to not more than one per centum on the excise fund belonging to said city, nor to exceed such amount as may be required to pay the full amount of annuities allowed. The comptroller of The City of New York shall by the direction and request of said board of trustees of said college pay out the same. The comptroller of The City of New York shall report in detail to the board of trustees of said college annually in the month of January the amounts paid out by him in the preceding year for accounts of said retirement fund. Said board of trustees shall have power by a two-thirds vote of all its members to retire any member of the supervising or teaching staff of said college, who shall have attained the age of 65 years and shall have been engaged as a supervising officer, professor, assistant professor or instructor in said college for ten years, and has taught in some university, college, academy, educational institution or in the common schools of this or some other state in the United States for thirty years, and in the event of such retirement shall be entitled to the aunuity hereinafter provided, and any president, vice president, professor, assistant professor or instructor who shall have served consecutively for twenty years in said college or who is connected with said college and shall have served said college for ten years and taught or acted as supervising officer in some university, college, academy, educational institution or in the common schools of this or some other state in the United States for thirty years, shall, on his own application, be permitted to retire from the active service of said college, and upon such retirement, duly approved by a majority vote of the board of trustees of said college, shall be entitled to receive an annuity out of said retirement fund of not less than one-half the annual salary paid to him at the date of such retirement, and in case of the president an additional sum of one thousand dollars, in case of a vice president an additional sum of five hundred dollars, and should said annuity, in the case of a professor, be less than three thousand dollars, then the said board may, in its discretion, increase said annuity to not more than three thousand dollars. The said board shall have power by a two-thirds vote of all its members to appoint any supervising officer, professor, assistant professor or instructor, who has been retired as hereinbefore provided, to active duty for a term of not more than one year in a position similar to that formerly held by him. Such supervising officer, professor, assistant professor or instructor so appointed to active duty shall be entitled to the annuity to be paid out of the retirement fund as hereinbefore provided and an additional sum to bo paid out of funds in the hands of the board of trustees for the general expenses of the college, as compensation for his services, which additional sum shall be equal to the difference between the amount of the annuity received by him and the amount of his salary for the year immediately preceding his retirement, so that the total amount paid him shall equal his salary for the year immediately preceding his retirement Any such appointment heretofore made by said board is hereby ratified and confirmed and such appointee is entitled to the annuity hereinbefore provided and an additional sum as above provided as compensation for his services. —As amended by Laws of 1903, Chapter 438.

Duties of trustees to report.

Sec. 1131. It shall be the duty of the trustees of said college, annually on or before the first day of September, to report to the board of estimate and apportionment such sum, not exceeding one hundred and seventy-five thousand dollars in any one year, as they may require for the payment of the salaries of the professors and officers of said college, for obtaining and furnishing scientific apparatus, books for the students and all other uccessary supplies therefor; for repairing and altering the college buildings; and for the support, maintenance and general expenses of said college; and the said board of estimate and apportionment and the board of aldermeu of The City of New York are hereby authorized and directed in each and every year to raise and collect by tax, on the estate, real and personal, liable to taxation in said city, such sum of money, not exceeding the amount aforesaid, as may be reported to them by said trustees; the amount so to be raised and collected to be in addition to the sums required for tho purposes of common schools in The City of New York under the act entitled "An act to amend, consolidate and reduce to one act the several acts of the state of New York relative to the common schools of The CIty of New York," passed July third, eighteen hundred and fifty-one, and the several acts amendatory thereto. Upon the recommendation of the trustees, the board of estimate and apportionment aud the board of aldermen may increase, from time to time, the amount annually to be raised in the tax levy for the maintenance of the Collego of The City of New York.

Instruction to be furnished gratuitously and otherwise by College of the City of New York; degrees and diplomas.

Sec. 1132. The trusteees of said college shall continue to furnish, through the College of the City of New York, the benefit of education, gratuitously, to boys who have been pupils in the common schools of the city, and to all other male students who are actual residents of said city, and who are qualified to pass the required examination for admission to said college. And the trustees, upon the recommendation of the faculty of the said college may grant degrees and diplomas to such persons as shall have completed a full course of study in the said college. The trustees may also, upon such terms and conditions as to admission and attendance as they may prescribe, furnish gratuitously or otherwise, for male and female students actual residents or employees of said city, special courses and courses of study in vocational subjects and civic administration, and other educational advantages, including the admission of nonmatriculated students, within the college buildings or elsewhere; and may grant appropriate certificates and vocational diplomas and degrees to such students as shall have completed the courses or studies so prescribed. All sums of money, if any, received by said college, as provided by this section, shall be accounted for and paid into the city treasury, and shall at once be appropriated by the board of estimate and apportionment to a special fund to be administered by the trustees of the College of the City of New York in furnishing and conducting the said special courses and courses of study in vocational subjects and civic administration, nonmatriculated student privileges and other special education advantages.

The trustees of the college shall report to the comptroller of the city the amount of the unexpended balance in such special fund at the end of each fiscal year, and any such balance which shall remain unappropriated by the said board of trustees at the end of the succeeding fiscal year shall then be paid into the city treasury to the credit of the general fund.—As amended by Laws of 1916, Chap. 580.

Reports by trustees to be furnished.

Sec. 1133. The trustees of the College of the City of New York shall make and transmit, annually, on or before the first day of February in each year, to the board of aldermen and also to the secretary of the board of regents of the university of the state of New York a report, dated on the thirty-first day of December next preceding, which report shall state the names and ages of all the pupils instructed in such college during the preceding year, and the time that each was so instructed, specifying which of them have completed a full course of study therein, and which have received degrees, medals and other special testimonials, a particular statement of the studies pursued by each pupil since the last preceding report, together with the books such student shall have studied, in whole or in part, and if in part, what portion; an account or estimate of the library, philosophical and chemical apparatus, and mathematical or other scientific instruments belonging to such college; the names of the instructors employed in said college, and the compensation paid to each; what amount of money the board of education received during the year for the purposes of such college, and from what sources, specifying how much from each, and the particular manner, and the specific purposes for which such moneys have been expended; and such other information in relation to education in the said college and the measures of the board of trustees in the management thereof, as the board of aldermen or the regents of the university of the state of New York may, from time to time, require.

TITLE 3.

THE NORMAL COLLEGE.

The Normal College of The City of New York, a Corporation and College; Name.

Sec. 1139. The Normal College of The City of New York is hereby declared to be a separate and distinct organization and body corporate, and as such shall have the power and privileges of a college pursuant to the revised statutes of this state, and be subject to the provisions of the said statutes relative to colleges, and to the visitation of the regents of the university, in like manner with the other colleges of the state. Such college shall hereafter be known as Hunter College of The City of New York and the provisions of this charter as well as of all other acts and parts of acts in any manner relating to or affecting The Normal College of The City of New York shall apply to and continue in full force and effect in relation to said Hunter College of The City of New York.—As amended by Laws of 1914, Chapter 11.

Trustees, Number and Appointment.

Sec. 1140. The board of trustees of said college on and after the first day of July, nineteeen hundred and fifteen, shall consist of nine residents of the city, men and women, to be appointed as hereinafter provided, of the president of the board of education of the city ex officio and of the president of said college ex officio. Except as herein otherwise provided, the said board shall have and possess the powers conferred upon and be subject to the duties required of the trustees of colleges by the education law. The mayor of the city of New York shall appoint before the first day of June, nineteen hundred and fifteen, nine persons, men and women, to serve as

such trustees, to hold office respectively as shall be designated by the mayor, for one, two, three, four, five, six, seven, eight and nine years from the first day of July, nineteen hundred and fifteeen. On or before the first day of June prior to the expiration of the term of office of any trustee the mayor shall appoint his successor for a full term of nine ycars from the first day of July following. The mayor shall fill any vacancy existing in the office of trustee—other than the president of the board of education and the president of the college—by the appointment of a trustee to hold office for the unexpired term. Each trustee so appointed shall take the oath of office required by the constitution of the state. Any resignation from the office of trustee shall be made to the mayor. No trustee shall be subject to removal under the provisions of section ninety-five of this act, but any trustee appointed by the mayor may be removed by the mayor upon proof either of official misconduct or negligence of official duties, or of conduct in any manner connected with his official duties or otherwise which tends to discredit his office, or the school system, or for mental or physical inability to perform his duties, but before such removal he shall receive due and timely notice in writing of the charges and a copy thereof, and shall be entitled to a hearing on like notice before the mayor, and to the assistance of counsel on said hearing. The board of trustees shall have the power to prescribe by-laws and regulations for the board and for the government of the college, its faculty, instructors and other employees, and to authorize a curator or a member of said board as they deem proper, to advertise for, receive and open any and all bids. Such by-laws shall include rules governing the appointments of all officers, members of the faculty, instructors and other employees of the college. A majority of the members of the board appointed by the mayor as aforesaid shall constitute a quorum for the transaction of business and no resolution or act of the board shall be invalid by reason of any vacancy existing in the board, provided that such act or resolution shall be adopted by a vote of five members of the board.

The board of trustees of said college shall also have power to prescribe rules, regulations, charges and compensation, if any, for the use and to prescribe the extent, purposes and manner of use, by persons, associations and corporations of the lands or buildings of said college or any part thereof, at such times as the same are not required for the uses of the college and of those attending thereat, and the board of trustees shall also have power to prescribe what fees or charges, if any, such personsfi associations or corporations may exact for the attendance at or participation in the uses so permitted. All moneys, if any, so received by said college shall, within ten days after being received, be duly accounted for and paid by said college to the comptroller of the city of New York and shall be by him credited to a special fund for the exclusive benefit and use of the athletic, dramatic, musical and other associations and organizations of said college except as hereinafter provided and any moneys in said fund when duly appropriated by the board of estimate and apportionment of the city of New York and thereafter by the board of trustees of said college shall be available for carrying out the purposes of the athletic, dramatic, musical and other associations and organizations of said college and for no other purpose whatsoever.

Provided that any balance of said moneys received by said comptroller during any fiscal year that may remain in said special fund unappropriated by said board of estimate and apportionment a year after the expiration of each such fiscal year shall be, by said comptroller, when so directed by said board of estimate and apportionment, deposited to the credit of the general fund for the reduction of taxation.—As amended by Laws of 1916, Chap. 193.

Laws applicable to; participation in state literature and other funds.

Sec. 1141. All acts of the legislature now in force with regard to the said normal college, its control, management, support and affairs, not inconsistent with the provisions of this act, are hereby declared to be applicable to said college. The Normal College of the City of New York shall be entitled to participate in the distribution of the income of the literature, and other funds of the state in the same manner, and upon the same conditions as the other colleges of the state, and the regents of the university of the state of New York shall pay annually to the comptroller of The City of New York, as trustee for said college, the distributive share of the said funds to which the said Normal College of the City of New York shall by law be entitled, and which shall be applied and expended for library books for said college.

Trustees to report annually the amount required to pay salaries, etc.; such amount to be raised by taxation; board of aldermen may increase amount named herein.

Sec. 1142. It shall be the duty of the trustees of said college annually on or before the fifteenth day of October to report to the board of estimate and apportionment such sum not exceeding one hundred and fifty thousand dollars in any one year, as they may require for the payment of salaries of the professors and officers of the said college, for obtaining and furnishing scientific apparatus, books for the students and all other necessary supplies therefor, for repairing and altering the college buildings, and for the support, maintenauce and general expenses of said college; and the said board of estimate and apportionment, and the board of aldermen of The City of New York are hereby authorized and directed, in each and every year to raise and collect by tax on the estate, real and personal, liable to taxation in said city, such sum of money, not exceeding the amount aforesaid, as may be reported to them by said trustees, the amount so to be raised and collected to be in addition to the sums required for the purposes of common schools in The City of New York, under the act entitled "An act to amend, consolidate and reduce to one act the several acts of the state of New York relative to common schools of The City of New York," passed July third, eighteen hundred and nity-one, and the several acts amendatory thereto. Upon the recommendation of the trustees, the board of estimate and apportionment and the board of aldermen may increase from time to time the amount annually to be raised in the tax levy for the maintenance of the normal college.

Instruction to be furnished gratuitously; degrees and diplomas.

Sec. 1143. The said board of education as trustees of said college, shall continue to furnish through the Normal College of the City of New York, the benefit of education gratuitously to girls who have been pupils in the common schools of The City of New York as constituted by this act, for a period of time to be regulated by the board of trustees of said college, and to all other girls who are actual residents of said city, and who are qualified to pass the required examination for admission to said college and the board of trustees, upon the recommendation of the faculty of the said college, may grant the usual degrees and diplomas in the arts to such persons as shall have completed a full course of study in the said college. The said board of trustees shall give normal instruction in manual training for the purpose of preparing teachers of manual training for the common schools.

Annual reports of trustees.

Sec. 1144. The trustees of the Normal College of the City of New York shall make and transmit annually, on or before the first day of February in each year, to the board of aldermen and also to the secretary of the board of regents of the university of the State of New York, a report, dated on the last secular day of December next preceding, which report shall state the names and ages of all the pupils instructed in said college during the preceding year, and the time that each was so instructed, specifying which of them have completed a full course of study therein, and which have received degrees, medals and other special testimonials; a particular statement of the studies pursued by each pupil since the last preceding report, together with the books such student shall have studied, in whole or in part, and, if in part, what portions; an account or estimate of the library, philosophical and chemical apparatus and mathematical or other scientific instruments belonging to said college; the names of the instructors employed in said college and the compensation paid to each; what amount of moneys the board of trustees received during the year for the purposes of said college, and from what source, specifying how much from each, and the particular manner and the specific purposes for which such moneys have been expended, and such other information in relation to education in the said college, and the measures of the board of trustees in the management thereof, as the board of education or the regents of the university of the state of New York may from time to time require.

Money appropriated for, to be expended when required by trustees; contracts by trustees.

Sec. 1145. The moneys apportioned to the board of education of said city of New York by the board of estimate and apportionment and board of aldermen, for the payment of the salaries of the professors and officers of said college, for obtaining and furnishing scientific apparatus, books for the students and all other necessary supplies therefor, for repairing and altering the college buildings, and for the support, maintenance and general expenses of said college, shall be expended for said normal college when required by the trustees of the Normal College of the City of New York, with the same right, power and authority as if the said college were under the control of the board of education of the City of New York. All contracts entered into or liabilities incurred by said trustees involving the expenditure of more than one thousand dollars, except agreements for the payment of salaries, shall be entered into and incurred in the same manner and subject to the restrictions and limitations provided as to other expenditures of public moneys as provided for in this act.

TITLE 4.

GENERAL PROVISIONS.

Religious sects and dogmatic books excluded; Bible retained.

Sec. 1151. No school shall be entitled to or receive any portion of the school moneys in which the religious doctrines or tenets of any particular Christian or other religious sect shall be taught, inculcated or practiced, or in which any book or books, containing compositions favorable or prejudicial to the particular doctrines or tenets of any particular Christian or other religious sect shall be used, or which shall teach the doctrines

or tenets of any other religious sect or which shall refuse to permit the visits and examinations provided for in this chapter. But nothing herein contained shall authorize the board of education or the school board of any borough to exclude the Holy Scriptures, without note or comment, or any selections therefrom, from any of the schools provided for by this chapter; but it shall not be competent for the said board of education to decide what version, if any, of the Holy Scriptures, without note or comment, shall be used in any of the schools; provided that nothing herein contained shall be so construed as to violate the rights of conscience, as secured by the constitution of this state and of the United States.

Certain private schools authorized to participate in common school fund.

Sec. 1152. The school established and maintained by the Five Points House of Industry, in The City of New York, the school established and maintained by the Ladies' Home Missionary Society of the Methodist Episcopal Church, at the institution in Park street, near the place usually called the Five Points, in the said city, and the industrial schools established and maintained under the charge of the Children's Aid Society, in The City of New York, shall participate through the board of education in the distribution of the common school fund in the same manner and degree as the common schools of The City of New York, and shall be subject to the same regulations and restrictions as are now by law imposed on the common schools of New York.—As amended by Laws of 1901, Chapter 714.

To report as to moneys and attendance.

Sec. 1153. The board of education shall require from the officers conducting schools by appointment of the board, and from the trustees, managers or directors of the corporate schools entitled to participate in the apportionment of school moneys, a report in all respects similar to that formerly required in The City of New York as constituted prior to the passage of this act from the trustees of each ward. And in making the apportionment among the several schools, no share shall be allotted by the board to any school or society from which no sufficient annual report shall have been received, for the year ending on the last day of June immediately preceding the apportionment.

Certain additional private schools authorized to participate in school funds.

Sec. 1154. The New York Orphan Asylum School, the Roman Catholic Orphan Asylum School, the schools of the two half orphan asylums, the school of the Society for the Reformation of Juvenile Delinquents, in The City of New York, the school for the Leake and Watts' Orphans House, the school connected with the almshouse of said city, the school of the Association for the Benefit of Colored Orphans, the schools of the American Female Guardian Society, the school established and maintained by the New York Juvenile Asylum, by the New York Infant Asylum, by the Nursery and Child's Hospital, including the country branch thereof; the orphan asylum and industrial schools as existing in the city of Brooklyn at the time of the passage of this act, and the several schools and branches thereof, the schools organized under the act entitled, "An act to extend to the city and county of New York the provisions of the general act in relation to the common schools, passed April eleventh, eighteen hundred and forty-two," or an act to amend the same, passed April eighteen, eighteen hundred and forty-three, or an act entitled "An act more effectually to provide for common school education in the city and county of New York, passed May seventh, eighteen hundred and forty-four," or any of the acts amending the same, and such schools as may be organized under the provisions of this chapter shall be subject to the general supervision of the board of education, and shall be entitled, through the said board to participate in the apportionment of the school moneys, as provided for in this chapter, but they shall be under the immediate direction of their respective trustees, managers and directors, as herein provided.

Accidental omission to report.

Sec. 1155. Whenever an apportionment of the public money shall not be made to any school, in consequence of any accidental omission to make any report required by law, or to comply with any other regulation or provision of law, the board of education may, in its discretion, direct an apportionment to be made to such school, according to the equitable circumstances of the case, to be paid out of the public money on hand, or if the same shall have been distributed out of the public money to be received in a succeeding year.

Trustees of such schools may convey to corporation and become merged.

Sec. 1156. The trustees, managers and directors of any of the corporate schools entitled to participate in the apportionment of the school moneys may, at any time, convey their schoolhouses and sites to the corporation of The City of New York, and transfer any of their schools to the board of education, on the terms and in the manner to be agreed upon and prescribed by the board of education, so as either to merge the said schools in the public schools or adopt them as public schools; and the same shall then be public schools, subject to all the rules, duties and liabilities, and enjoy the same rights as if they had been originally established as public schools.

Nautical school may be established and maintained.

Sec. 1157. The board of education may, in its discretion, provide and maintain a nautical school in said city, for the education and training of pupils in the science and practice of navigation; to furnish accommodations for said school, and make all needful rules and regulations therefor, and for the number and compensation of instructors and others employed therein; to prescribe the government and discipline thereof, and the terms and conditions upon which pupils shall be received and instructed therein, and discharged therefrom, and provide in all things for the good management of said nautical school. And said board shall have power to purchase the books, apparatus, stationery, and other things necessary or expedient to enable said school to be properly and successfully conducted; and may cause the said school or the pupils, or part of the pupils, thereof to go on board vessels in the harbor of New York, and take cruises in or from said harbor for the purpose of obtaining a practical knowledge in navigation and of the duties of mariners. And the said board are hereby authorized to apply to the United States government for the requisite use of vessels and supplies for the purpose above mentioned. [As amended by Laws of 1913, chap. 321.]

Nautical school; management of.

Sec. 1158. The said board of education shall appoint annually at least three of their number who shall, subject to the control, supervision and approbation of the board, constitute an executive committee, for the care, government and management of such nautical school, under rules and regulations so prescribed and whose duty it shall be, among other things, to recommend the rules and regulations which they deem necessary and proper for such school.

Chamber of Commerce to appoint committee to serve as council.

Sec. 1159. The chamber of commerce of New York is authorized to provide for and appoint a committee of its members to serve as a council of the nautical school, whose duty it shall be as far as may be, to advise and co-operate with the board of education in the establishment and management of such school, and from time to time to visit and examine the same, and to communicate in respect thereof, with the board of education, or such executive committee thereof, and to make reports to the chamber of commerce which may transmit to the state superintendent of public instruction such reports, or any thereof, or an abstract of the same, with such recommendations as may be deemed advisable.

Expenses.

Sec. 1160. After the establishment and organization of the said school, the expenses thereof, and of carrying out the provisions of this chapter, shall be defrayed from the moneys raised by law for the support of common schools in The City of New York.

New York Institution for the Blind.

Sec. 1161. The board of education is hereby authorized and required to distribute to the managers of the New York Institution for the Blind a ratable proportion of the said school fund to every blind pupil in said institution, without regard to age.

Anniversary day as a holiday in the public schools of the borough of Brooklyn.

Sec. 1162. The eighth day of June in the year nineteen hundred and five and thereafter the first Thursday in June in each year, except in those years when the first Thursday in June occurs in the same week with Memorial day, and in such years the second Thursday in June, known as anniversary day, and celebrated in commemoration of the organization of Sunday schools, is hereby made and declared to be a holiday in all the public schools in the borough of Brooklyn, City of New York, and the board of education of such city is hereby authorized and directed to cause all the public schools in such borough to be closed on such day.—Added by Laws 1905, Chapter 523.

CHAPTER XIX.

DEPARTMENT OF HEALTH.

Title 1. Powers and duties of the department, its officers and administration.
Title 2. Marriages, births and deaths.
Title 3. Duties of physicians and others.
Title 4. Legal proceedings and punishment for disobedience of orders and ordinances.
Title 5. Reimbursement of expenses.
Title 6. Abatement by suit.
Title 7. Lodging houses.
Title 8. Pension fund.

TITLE 1.

ORGANIZATION, ADMINISTRATION, AUTHORITY, DUTIES AND POWERS OF DEPARTMENT.

The board of health the head of the department of health.

Sec. 1167. The head of the department of health shall be called the board of health. Said board shall consist of one commissioner to be called the commissioner of health, the police commissioner and the health officer of the port. The commissioner of health shall be appointed by the mayor, shall hold office as provided in chapter four of this act, and

shall be the president of the board of health. The commissioner of health shall be the executive officer of the health department. The terms of office of the three officers called commissioners of health, except the president of the board of health, appointed pursuant to the provisions of the Greater New York Charter, shall cease and determine on the first day of January, nineteen hundred and two, and the said president shall thereupon become commissioner of health.

Authority, duty and powers of the board of health.

Sec. 1168. The authority, duty and powers of the department of health shall extend over The City of New York, and the waters adjacent thereto, within the jurisdiction of said city, and over the waters of the bay within the quarantine limits as established by law, but shall not be held to interfere with the powers and duties of the commissioners of quarantine or the health officer of the port. It shall be the duty of the department of health to make an annual report to the mayor of The City of New York, of all the operations of the department for the previous year. The mayor may at any time call for a fuller report, or for a report upon any portion of the work of said department, whenever he may deem it to be for the public good so to do. All the authority, duty and powers heretofore conferred or enjoined upon the health departments, boards of health, health and sanitary officers in any of the municipal and public corporations or parts thereof, in any of the territory now within or hereafter to become a part of The City of New York, as constituted by this act, and within the jurisdiction of said city, by chapter seventy-four of the laws of eighteen hundred and sixty-six, and the several acts amendatory thereof, and by any other subsequent laws of this state, and upon the several officers and members of said boards, by the laws constituting and appointing all such departments, boards of health, and sanitary officers, and members of said boards by the laws constituting and appointing all such departments, boards of health and sanitary officers,* and giving and granting to them, or any of them, duties and powers not inconsistent with the provisions of this act, are hereby conferred upon and vested in and enjoined upon, and shall hereafter be exclusively exercised in The City of New York by the department of health, and board of health, created by this act, and by the officers of said board of health and the said department of health, and the same are to be exercised in the manner specified in said chapter seventy-four of the laws of eighteen hundred and sixty-six, and the several acts amendatory thereof, and by any other subsequent laws of the state relative to health and sanitary matters, and the prevention of pestilence and disease in said city of New York, or in any part thereof, and in conformity with the provisions of this act.

Duty of board as to enforcement of laws: information.

Sec. 1169. It shall be the duty of said board of health to aid the enforcement of, and so far as practicable, to enforce all laws of this state, applicable in said district, to the preservation of human life, or to the care, promotion, or protection of health; and said board may exercise the authority given by said laws to enable it to discharge the duty hereby imposed; and this section is intended to include all laws relative to cleanliness, and to the use or sale of poisonous unwholesome, deleterious or adulterated drugs, medicines or food and the necessary sanitary supervision of the purity and wholesomeness of the water supply and the sources thereof for The City of New York. And said board is authorized to require reports and information at such times and of such facts, and generally of such nature and extent, relative to the safety of life and promotion of health as its by-laws or rules may provide, from all public dispensaries, hospitals, asylums, infirmaries, prisons and schools, and from the managers, principals and officers thereof; and from all other public institutions, their officers and managers, and from the proprietors, managers, lessees and occupants of all theaters and other places of public resort or amusement in said district; but such reports and information shall only be required concerning matters, or particulars, in respect of which, it may, in its opinion, need information, for the better discharge of its duties in said City of New York and every part thereof. It is hereby made the duty of the officers, institutions and persons so called on, or referred to, to promptly give such information and make such reports verbally or in writing as may be required by said board. The board of health shall use all reasonable means for ascertaining the existence and cause of disease or peril to life or health, and for averting the same throughout said city and shall promptly cause all proper information in possession of said board to be sent to the local health authorities of any city, village or town in this state which may request the same, and shall add thereto such useful suggestions as the experience of said board may supply. It shall be the duty of said board, so far as it may be able, without serious expense, to gather and preserve such information and facts relating to death, disease and health from other parts of this state, but especially in said city, as may be useful in the discharge of its duties, and contribute to the promotion of health, or the security of life in the state of New York. It shall be the duty of said board to give all information that may be reasonably requested concerning any threatened danger to the public health, to the health officer of the port of New York, and to the commissioners of quarantine of said port; who shall give the like information to said board; and said board, and said officers and quarantine commissioners shall, so far as legal and practicable, co-operate together to prevent the spread of disease, and for the protection of life and the promotion of health, within the sphere of their respective duties. Said board may grant bills of health to masters of vessels certifying to the condition of the city in respect of health.

Hospitals.

Sec. 1170. Said board may remove or cause to be removed to a proper place designated by it, any person sick with a contagious, pestilential, or infectious disease and designate, provide and pay for the use of places for such persons. The board may erect, establish, maintain and furnish in such places within the city as are now used or may hereafter be designated by the board of estimate and apportionment for such purposes, buildings and hospitals for the care and treatment of persons sick with contagious diseases, and shall have exclusive charge and control of all municipal hospitals for the treatment of Asiatic cholera, plague, typhus fever, scarlet fever, yellow fever, measles, diphtheria and smallpox but this shall not be construed to require the board of health to remove any person suffering from any of these diseases to the hospital therefor, unless in its judgment such removal is necessary for the protection of the public health. With the concurrence in writing of the department or departments thereby affected, the board of health shall, from time to time, subject to the approval of the board of estimate and apportionment, designate such hospitals established for or actually caring for persons suffering from a pestilential, contagious or infectious disease, as in its judgment should, in the public interest and for the protection of the public health, be under the exclusive charge and control of the said board of health, and all hospitals so designated maintained by any municipal department or departments, together with the employes of such hospitals, shall upon such designation by the board of health and approval of the board of estimate and apportionment, granted after a public hearing, be transferred to the board of health and the control and maintenance thereof shall thereafter be vested in the board of health; provided, however, that the said board of health, with the concurrence in writing of the department or departments thereby affected, may from time to time designate a hospital for the treatment of an infectious disease other than Asiatic cholera, plague, typhus fever, scarlet fever, yellow fever, measles, diphtheria and smallpox, under the jurisdiction of the board of health, as one which may, without danger to the public health, be transferred to the jurisdiction of other municipal authorities authorized by law to establish or maintain public hospitals, and such designation, if approved by the board of estimate and apportionment, after a public hearing shall take effect, and the hospital so designated, together with the employes of such hospital, shall thereupon be transferred to such other municipal authorities as are designated, and the duty of maintaining such hospitals shall thereupon vest in such other municipal authorities. Any municipal authority or hospital corporation maintaining a hospital or ward for the treatment of persons having a contagious or infectious disease may admit to such hospital or ward any person applying for admission thereto, and certified by the physicians of the said hospital to have the disease for which the said hospital or ward is maintained, and each such admission shall be reported immediately by such municipal authorities or hospital corporations to the board of health. The discharge of such person shall also be reported forthwith to the board of health. For the purposes of this section, a pestilential, contagious or infectious disease shall be one declared to be such by the board of health. The board of health shall have power to take possession of, and occupy for temporary hospitals, any building or buildings in the said city, during the prevalence of an epidemic, if in the judgment of the board the same may be required, and shall pay for private property so taken a just compensation for the same. Said board may cause proper care and attendance to be given to persons sick or removed, when it shall be made to appear to the said board that any such person is so poor as to be unable to procure for himself such care and attendance, or that the public health requires special medical care and attendance. The board of health may send to such place as it may direct, all aliens and other persons in the city, not residents thereof, who shall be sick of any infectious, pestilential or contagious disease. The expense of the support of such aliens or other persons shall be defrayed by the corporation of The City of New York, unless such aliens or other persons shall be entitled to support from the commissioners of emigration. No person shall remove any person sick with infectious, contagious or pestilential disease from any vessel or other place in said city without a written permit from the board of health.—As amended by Laws 1909, Chapter 342.

Repairs of buildings.

Sec. 1171. The powers of the board of health shall be construed to include the ordering and enforcing in the same manner as other orders are provided to be enforced, the repairs of buildings, houses and other structures; the regulation and control of all public markets (so far as relates to the cleanliness, ventilation and drainage thereof, and to the prevention of the sale or offering for sale of improper articles therein); the removal of any obstruction, matter or thing in or

*So in original.

upon the public streets, sidewalks or places which shall be in its opinion liable to lead to results dangerous to life or health; the prevention of accidents by which life or health may be endangered; and generally the abating of all nuisances. It is hereby expressly declared that the said board of health shall have and possess full and complete power with reference to the ventilation, drainage and cleanliness of the stands or stalls in or around all markets, and said board shall have in said city all common law rights to abate any nuisance without suit, which can or does in this state belong to any person whatever.

Sanitary code.

Section 1172. The sanitary code which shall be in force in The City of New York the first day of January, nineteen hundred and two, and all existing provisions of law fixing penalties for violations of said code are hereby declared to be binding and in force in The City of New York, and shall continue to be so binding and in force, except as the same may, from time to time, be revised, altered, amended or annulled as herein provided. Provided, however, that so much of this section as declares the sanitary code, binding and in force in The City of New York shall not be construed as limiting the storage of fertilizers or the keeping and slaughtering of fowls, cattle and other domestic animals upon premises used for farming in unimproved sections of the city, or as forbidding the ordinary use of country roads in driving such fowls, cattle and other domestic animals. Said board of health is hereby authorized and empowered, from time to time, to add to and to alter, amend or annul any part of the said sanitary code and may therein publish additional provisions for the security of life and health in The City of New York, and confer additional powers on the department of health, not inconsistent with the constitution or laws of this state, and may provide for the enforcement of the said sanitary code by such fines, penalties, forfeitures or imprisonment as may by ordinance be prescribed. The board of health may embrace in said sanitary code all matters and subjects to which, and so far as, the power and authority of said department of health extends, not limiting their application to the subject of health only. Any violation of said sanitary code shall be treated and punished as a misdemeanor. Pecuniary penalties for violation of said sanitary code may be recovered in a civil action in the name of the department of health for The City of New York, before any justice or tribunal in said city, having jurisdiction of civil actions; and all such justices and tribunals shall take jurisdiction of such action. Copies of the records of the proceedings of said board of health, of its rules, regulations, bylaws and books and papers, constituting part of its archives, and now or hereafter in force in said city, when authenticated by its secretary or secretary pro tempore, shall be presumptive evidence, and the authentication taken as presumably correct in any court of justice, or judicial proceeding, when they may be relevant to the point or matter in controversy, of the facts, statements, and recitals, therein contained. The sanitary code which is in force May first, nineteen hundred four, shall constitute a chapter of the code of ordinance of The City of New York. On or before the fifteenth day of May, nineteen hundred and four, the secretary of the said board of health shall file with the city clerk such sanitary code which was in force on May first, nineteen hundred and four, and upon the filing of the same it shall become a general ordinance of The City of New York. No amendment to said code adopted by the board of health subsequent to May first, nineteen hundred and four, shall become valid and effectual until a copy of such amendment, duly certified to be a correct copy by the secretary of the board of health, be filed with the city clerk. Upon so filing, such amendment shall become a part of said sanitary code.—As amended by Laws 1904, Chapter 628.

Judicial notice of seal and presumptions.

Sec. 1173. The actions, proceedings, authority, and orders of said board of health shall at all times be regarded as in their nature judicial, and be treated as prima facie just and legal. All meetings of said board shall in every suit and proceeding be taken to have been duly called and regularly held, and all orders and proceedings to have been duly authorized, unless the contrary be proved. All courts shall take judicial notice of the seal of said board and of the signature of its secretary and chief clerk.

Seal.

Sec. 1174. The board of health may design and adopt a seal, and use the same in the authentication of its orders and proceedings, commissioning its officers and agents, and otherwise, as the rules of the board may provide. Said board may enact such bylaws, rules and regulations as it may deem advisable, in harmony with the provisions and purposes of this chapter, and not inconsistent with the constitution or laws of this state, for the regulation of the action of said board, its officers and agents, in the discharge of its and their duties, and from time to time may alter, annul or amend the same.

Publication of reports and statistics.

Sec. 1175. The board of health may establish as it shall deem wise, and to promote the public good and public service, reasonable regulations as to the publicity of any of the papers, files, reports, records and proceeding of the department of health; and may publish such information as may, in its opinion, be useful, concerning births, deaths, marriages, sickness, and the general sanitary conditions of said city, or any matter, place or thing therein.

Proceedings relative to dangerous buildings, vessels, places and things.

Sec. 1176. Whenever any building, erection, excavation, premises, business pursuit, matter or thing, or the sewerage drainage or ventilation thereof, in said city, shall, in the opinion of said board, whether as a whole or in any particular, be in a condition or in effect dangerous to life or health, said board may take and file among its records what it shall regard as sufficient proof to authorize its declaration that the same, to the extent it may specify, is a public nuisance, or dangerous to life or health; and said board may thereupon enter in its records the same as a nuisance, and order the same to be removed, abated, suspended, altered, or otherwise improved or purified, as said order shall specify; and if any party served with such order (or intended to be according to this chapter) shall, before its execution is commenced, or within three day after such service or attempted service, apply to said board, or the president thereof, to have said order or its execution stayed or modified, it shall then be the duty of said board to temporarily suspend or modify said order at the execution thereof, save in cases of imminent danger from impending pestilence, when said board may exercise extraordinary powers, as herein elsewhere specified, and to give such party or parties together, as the case in the opinion of the board may require, a reasonable and fair opportunity to be heard before said board and to present facts and proofs, according to the rules or directions of said board, against said declaration and the execution of said order, or in favor of its modification, according to the regulation of the board; and the board shall enter in its minutes such facts and proofs as it may receive and its proceedings on such hearing, and any other proof it may take; and thereafter may rescind, modify or reaffirm its said declaration and order, and require execution of said original, or of a new or modified order to be made in such form and effect as it may finally determine. Said board may order or cause any excavation, erection, vehicle, vessel, water craft, room, building, place, sewer, pipe, passage, premises, ground, matter or thing in said city or adjacent waters, regarded by said board as in a condition dangerous or detrimental to life or health, to be purified, cleansed, disinfected, altered or improved; and may also order any substance, matter or thing being or left in any street, alley, water, excavation, building, erection, place or grounds (whether such place, where the same may be is public or private) and which said board may regard as dangerous or detrimental to life or health, to be speedily removed to some proper place; and may designate or provide a place to which the same shall be removed, when no such adequate or proper place, in the judgment of said board, is already provided. If said order is not complied with, or as far complied with as said board of health may regard as reasonable, within five days after such service or attempted service, or within any shorter time, which, in case of pestilence, the board of health may have designated, or is not thereafter speedily and fully executed, then any such order may be executed as herein elsewhere provided in regard to any of the orders of said board. And if personal service of any aforesaid order can not be made under this section by reason of absence from said district, or inability to find one or more of the owners, occupants, lessees or tenants of the subject matter to which said order relates, or one or more of the persons whose duty it was to have done what is therein required to be done, as the case may render just and proper in the opinion of said board; to be shown by the official certificates of the officer having such order to serve, then service may be made through the mail, or by copy left at the residence or place of business of the person sought to be served, with a person of suitable age and discretion, and the expenses attending the execution of any and all such orders respectively shall be a several and joint personal charge against each of the owners or part owners, and each of the lessees and occupants of the building, business, place, property, matter or thing to which said order relates, and in respect of which said expenses were incurred; and also against every person or body who was by law or contract bound to do that in relation to such business, place, street, property, matter or thing, which said order requires, and said expenses shall also be a lien on all rent, compensation due or to grow due, or the use of any place, room, building, premises, matter or thing to which said order relates, and in respect of which said expenses were incurred; and also, a lien on all compensation due or to grow due for the cleaning of any street, place, ground or thing, or for the cleansing or removal of any matter, thing or place, the failure to do which by the party bound so to do or the doing of the same in whole or in part by order of said board, was the cause or occasion of any such order or expense. Said board of health, its assignee or the party who has, under its order or that of the police board, acting thereunder, incurred said expense, or has rendered service for which payment is due, and as the rules of said board of health may provide, may institute and maintain a suit against any one herein declared liable for expenses as aforesaid, or against any person, firm or corporation owing, or who may owe, such rent or compensation, and may recover the expenses so incurred under any order aforesaid.

Extraordinary expenditures.

Sec. 1177. The department of health may use, in compensation of special inspectors, physicians and nurses, and for supplies and contingencies, such sum, not exceeding in the aggregate eighty thousand dollars, in excess of the annual appropriation, as may be at any time appropriated by the board of estimate and apportionment for the prevention of danger from contagious or infectious diseases found to exist in said city, or for the care of persons exposed

to danger from contagious or infectious diseases.

Declaration of imminent peril.

Sec. 1178. In the presence of great and imminent peril to the public health by reason of impending pestilence, it shall be the duty of the board of health, having first taken and filed among its records what it shall regard as sufficient proof to authorize its declaration of such peril, and having duly entered the same in its records, to take such measures, to do and order, and cause to be done, such acts and make such expenditures (beyond those duly estimated for or provided) for the preservation of the public health (though not herein elsewhere or otherwise authorized) as it may in good faith declare the public safety and health to demand, and the mayor shall in writing approve. But the exercise of this extraordinary power shall also, so far as it involves such excessive expenditures, require the written consent of at least two members of the board of health, and the approval as aforesaid of the mayor. And such peril shall not be deemed to exist except when, and for such period of time, as the board of health and mayor shall declare.

Bureaus.

Sec. 1179. There shall be two bureaus in the department of health. The chief officer of one bureau shall be called the "sanitary superintendent," who, at the time of his appointment, shall have been, for at least ten years, a practicing physician, and for three years a resident of the city of New York, and he shall be the chief executive officer of said department. The chief officer of the second bureau shall be called the "register of records," and in said bureau shall be recorded, without fees, every birth, marriage, and death, which shall occur within the city of New York. [As amended by Chap. 284, Laws of 1915.]

Offices and expenses.

Sec. 1180. The board of health may fit up and furnish such offices and such branch offices in each and every borough provided for the department of health in accordance with law, as the convenience of the department, its officers, agents, and employees, and the prudent and proper discharge of the duties of the department may require; and may, subject to the other provisions of this act, make such other incidental and additional expenditures, having due regard to economy, as the purposes and provisions of this chapter, and the dangers to life and public health may justify or require; and may provide that any failure of any officer, agent, or employee of the department to duly fulfill his engagements or discharge his duty shall cause a forfeiture of the whole, or any less portion of the salary or compensation of such officer, agent or employee, as the rules or practice of the department may provide.

Borough offices to be maintained.

Sec. 1181. The board of health shall establish and maintain in the boroughs of Manhattan, The Bronx, Brooklyn, Queens, and Richmond, offices wherein the business and duties of the department of health shall be performed and discharged under its rules, regulation and control. To this end the board of health shall appoint assistant sanitary superintendents, and assistant registrars of records, one of each of such officers to be assigned to each of the five borough offices above mentioned, and so many of the other officers, clerks, inspectors and subordinates allowed, pursuant to this chapter, as may be necessary to conduct and transact the business of the health department, in each of the said boroughs. In such borough offices the board of health shall preserve the records, files, reports and papers belonging and pertaining to the boroughs in which the office is located. In the general office of the health department in the borough of Manhattan, shall also be preserved and kept, both for record and the use of the board of health, the archives of the department of health, and all the records, books, reports, files and papers belonging and pertaining to the general administration of the health department, and business and transactions of the board of health, as well as those which belong to, and have special reference to, the business and transactions, and the discharge of the duties and powers of the health department in the borough of Manhattan. The board of health may likewise establish such other additional offices as it shall deem necessary for the proper discharge of the duties and powers of the health department in the several boroughs, with such force as may be essential thereto throughout the city as constituted by this act, but shall always maintain its chief office in the borough of Manhattan.

Delegation of powers.

Sec. 1182. The board of health and commissioner of health may from time to time delegate any portion of its or his power to the sanitary superintendent or an assistant sanitary superintendent, to be exercised by such delegates from the time and in the manner, and to the extent specified in such delegation in writing. Provided, however, that this section shall not be constructed in restraint of the general power of the board of health to discharge its duties through any and all of its appointees. The department of health shall have a secretary, who shall, subject to the direction of the board of health, keep and authenticate the acts, records, papers and proceedings of the department of health, preserve its books and papers, conduct its correspondence, and aid generally in accomplishing the purposes of this chapter. The board of health may designate a clerk to be the chief clerk of the department, and a clerk in each of the offices of the five boroughs above mentioned, in which offices are established, to be an assistant chief clerk, who may perform such duties of the secretary as shall be assigned to him; and papers certified by such chief clerk or by an assistant chief clerk shall be of the same effect as evidence and otherwise as if certified by the secretary.

Duty of sanitary superintendents.

Sec. 1183. It shall be the duty of the sanitary superintendent and the assistant sanitary superintendents, as each may be directed, to execute, or cause to be executed, the orders of said department of health and generally, according to instructions, to exercise a practical supervision in respect to the inspectors, agents, and persons other than the secretary, and health commissioner and as to the members of the police force, who may exercise any authority under this chapter; and said officers shall devote their services to the aforesaid purposes, as the board of health may, from time to time direct. Each such superintendent shall make reports weekly, or oftener, if directed by the board of health, in writing, stating generally his own action and that of his subordinates, and the condition of the public health in said city, or any portion thereof, and any causes endangering life or health which have come to his knowledge during that period.

Reports of, and inspection.

Sec. 1184. The sanitary superintendent, the assistant sanitary superintendents, the sanitary inspectors and the officers of said department may all visit sick persons, who shall be reported to the department of health as sick of any contagious, pestilential, or infectious disease and report to the department of health in writing, his or their opinion of their sickness. He, or they, shall visit and inspect all vessels coming to the wharves, landing places, or shores of said city, or within three hundred yards thereof, which are suspected of having on board any infectious or contagious disease, or likely to communicate the disease to the inhabitants of said city, and all stores and places within said city, which are suspected to contain putrid or unsound provisions or other articles likely to communicate disease to the inhabitants, and make and sign a report in writing, stating the vessel, stores, places, and articles so inspected by him or them, and the nature, state, and situation thereof, and his or their opinion in relation thereto, as to the probability of disease being communicated by or from the same, and file such report in the chief office of the department of health.

Sanitary inspectors.

Sec. 1185. The board of health shall appoint and commission at least fifty sanitary inspectors, and shall have power to appoint twenty additional sanitary inspectors, if it deems that number necessary, and from time to time prescribe the duties of each of said inspectors, and the place of their performance, and of all other persons exercising any authority under said department, except as herein specially provided; but thirty of such inspectors shall be physicians of skill and of practical professional experience in said city. The additional sanitary inspectors heretofore duly appointed and commissioned, either in New York city, or in the city of Brooklyn, may be included among the sanitary inspectors mentioned in this section, and may continue to act as such without reappointment, but nothing herein contained shall curtail any of the powers vested in the department of health by this act, and the number of sanitary inspectors for whom provision is made in this section shall be exclusive of the special inspectors for whom provision is made in section eleven hundred and eighty-six and elsewhere in this act. All of the said inspectors shall have such practical knowledge of scientific or sanitary matters as qualify them for the duties of their office. Each of such inspectors shall once in each week, make a written report to said department, stating what duties he has performed, and where he has performed them, and also such facts as have come to his knowledge connected with the purposes of this chapter as are by him deemed worthy of the attention of said department or such as its regulations may require of him; which reports, with the other reports herein elsewhere mentioned, shall be filed among the records of the said department.

Sanitary engineering service.

Sec. 1186. The board of health may, from time to time employ a suitable person or persons to render sanitary engineering service, and to make or supervise practical and scientific sanitary investigations and examinations in the city requiring engineering skill, and to prepare plans and reports relative thereto.

Badges.

Sec. 1187. The board of health may provide a badge of metal with a suitable inscription thereon, and direct and require it to be worn, in a position to be designated, by any person or officer under the authority of said department, at such times and under such circumstances as the rules and by-laws of said department shall direct.

Examinations and surveys.

Sec. 1188. The members of the board of health, the health commissioners, the sanitary superintendent, the assistant sanitary superintendents, and any of the sanitary inspectors and such other officer or person as may, at any time, be, by said board of health authorized, may, without fee or hindrance, enter, examine and survey all grounds, erections, vehicles, structures, apartments, buildings, and every part thereof, and places in the city, including vessels of all kinds in the waters, and all cellars, sewers, passages and excavations of every sort, and inspect the safety and sanitary condition and make plans, drawings and descriptions thereof, according to the order or regulations of said department. Said department may make and publish a report of the sanitary condition, and the result of the inspection of any place, matter or thing in the city, so inspected, or

otherwise, as aforesaid, so far as, in the opinion of the board of health, such publication may be useful.

Proofs and affidavits.

Sec. 1189. Proofs, affidavits and examinations as to any matter under this chapter may be taken by or before the board of health or other person, as the board of health shall authorize; and the commissioner of health, the secretary, the sanitary superintendent, assistant sanitary superintendents and any member of said department, shall, severally, have authority to administer oaths in such matters, and any person guilty of wilfully answering or testifying falsely therein shall incur all the pains and penalties of perjury.

Secs. 1190, 1191. Repealed by Act of 1901.

Suits and service of papers.

Sec. 1192. Said board of health may sue and be sued in and by the proper name of "The Department of Health of The City of New York," and not in or by the name of the members of said board, or any of them; and service of all process in suits and proceedings against or affecting said board, and other papers may be made upon the president of said board, or upon its secretary, and not otherwise; except that, according to usual practice in other suits, papers in suit to which said board of health is a party may be served on the corporation counsel or such assistant as may be assigned by him to the health department.

Attorney.

Sec. 1193. The corporation counsel shall assign such assistant counsel as may be needful to the department of health, as provided in chapter seven of this act.

Salaries.

Sec. 1194. The annual salaries to be paid to persons herein named, and appointed to the several specified positions shall, from and after their entrance upon their duties be as follows, and such salaries shall be in full for all services rendered by them to the city in any capacity whatever: To the commissioner of health, seven thousand five hundred dollars; to the sanitary superintendent, five thousand dollars; to the secretary, five thousand dollars, to the assistant sanitary superintendents, each three thousand five hundred dollars, to the registrar of records, four thousand dollars; to the assistant registrars of records, each three thousand dollars; to the chief clerk of the department of health, three thousand dollars.

Id., and no fees.

Sec. 1195. No salary or compensation shall be paid to, or fees demanded by, or expenses ordered to be incurred by any officer, department or agent, or in respect to any service, expenditure or employment under the authority of any health law, ordinance, regulation, or appointment in said city, unless such salary, expenditure, employment, fees or expense shall be authorized by the department of health; and any officer or agent, employe, or servant of the health department demanding or receiving compensation, fees or expenses in violation of this section shall be guilty of a misdemeanor, punishable by imprisonment for a term of not more than one year and by a fine of not more than five hundred dollars, and the forfeiture of his office or position. No municipal body, or other authority, shall create any office or employ any officer or agent, or incur any expense under any health laws or ordinances, or in respect of any matter concerning which said health department is by this chapter given control or jurisdiction.

No personal liability.

Sec. 1196. No member, officer, or agents of said department of health, and no person or persons other than the department of health or the city itself shall be sued or held to liability, for any act done or omitted by either person aforesaid, in good faith, and with ordinary discretion, on behalf of or under said department, or pursuant to its regulations, ordinances, or health laws. And any person whose property may have been unjustly or illegally destroyed or injured, pursuant to any order, regulation, or ordinance, or action of said department of health or its officers, for which no personal liability may exist, as aforesaid, may maintain a proper action against the city for the recovery of the proper compensation or damage. Every such suit must be brought within six months after the cause of action arose, and the recovery shall be limited to the damages suffered.

Orders of the board.

Sec. 1197. The board of health, if it shall consider the public health or interests so to require may execute orders through its own officers or agents, and means to be engaged by the board of health. Whatever expenses said board of health may lawfully and properly incur in the execution of any order, resolution or judgment aforesaid, or in executing, or in connection with its own orders, made in good faith, or in and about the discharge, in good faith, of its duties, or in satisfying any liability or judgment it may have in good faith incurred or suffered by reason of its acts, done in good faith, as aforesaid, or in satisfying any claim against its officers or subordinates, arising from their acts in the discharge, in good faith, of their respective duties, shall, so far as established, be paid out of the fund or other moneys of the department of health.

Execution may be compelled.

Sec. 1198. All orders duly made by any of the departments of health, or boards of health, or health and sanitary authorities or officers, to which said department succeeded, and by their terms or necessary legal effect, to be executed in The City of New York, may be executed, and the execution thereof compelled, and the execution of such of them as are partly executed may be compelled by the department of health; and the said orders may be severally rescinded or modified by said department, with like effect, as could have been done by the department, board of health, or sanitary authority existing at the time the said orders were severally made. The said department may discharge all liens upon real estate in The City of New York, created by any board of health or sanitary authorities above mentioned, or created in proceedings instituted by the metropolitan board of health, or the department of health, which succeeded thereto, in the same manner and for the same causes that, by laws existing January first, eighteen hundred and seventy, they could be discharged by the metropolitan board of health.

Right of inspection.

Sec. 1199. It is hereby made the duty of all departments, officers, and agents, having the control, charge or custody of any public structure, work, ground, or erection, or of any plan, description, outline, drawing or charts thereof, or relating thereto, made, kept or controlled under any public authority, to permit and facilitate the examination and inspection, and the making of copies of the same by any officer or person, thereto, by said department of health authorized.

Complaint book.

Sec. 1200. The board of health shall cause to be kept a general complaint book, or several such books, in which shall be entered any complaint of a sanitary nature with the name and residence of the complainant, the names of the person or persons complained of, and the date of the entry of the complaint, and suggestions of any appropriate remedy and said books shall be open to all reasonable public examination, regulated in all respects as said board may deem proper and for the public service, and the board of health shall cause the facts in regard to such complaints to be investigated and the appropriate remedy to be applied.

Duties of owners, lessees and occupants.

Sec. 1201. It is hereby declared to be the duty of every owner and part owner and person interested, and of every lessee, tenant, and occupant of, or in any place, water, ground, room, stall, apartment, building, erection, vessel, vehicle, matter, and thing in said city, and of every person conducting or interested in business therein or thereat, and of every person who has undertaken to clean any place, ground or street therein, and of every person, public officer and department having charge of any ground, place, building or erection therein, to keep, place and preserve the same and every part, and the sewerage, draining and ventilation thereof in such condition and to conduct the same in such manner that it shall not be a nuisance or be dangerous or prejudicial to life or health.

Police department assistance.

Sec. 1202. It shall be the duty of the police department and of its officers and men, as said department shall direct, to promptly advise the department of health of all threatening dangers to human life or health, and of all matters thought to demand its attention, and to regularly report to said board of health all violations of its rules, and of sanitary ordinances, and of the health laws, and all useful sanitary information. And said last-named departments shall, as far as practicable and appropriate, co-operate for the promotion of the public health and the safety of human life in the city. And it shall be the duty of the police department and the police commissioner, by and through its proper officers, agents and men, to faithfully, and, at the proper time, enforce and execute the sanitary rules and regulations and the orders of said board of health, made pursuant to the powers of said board of health, upon the same being received in writing and duly authenticated, as said board of health may direct. And said police commissioner is authorized to employ appropriate persons and means, and to make the necessary and appropriate expenditures, for the execution and enforcement of said rules, orders and regulations; and such expenditures, so far as the same may not be refunded or compensated by the means herein elsewhere provided, shall be paid as the other expenses of said board of health are paid. And in and about the execution of any order of the board of health or of the police commissioner, made pursuant thereto, police officers and policemen shall have as ample power and authority as when obeying any order of or law applicable to the police commissioner, but for their conduct shall be responsible to the police commissioner and not to the board of health.

Sanitary company of police.

Sec. 1202-a. The board of health shall make requisition upon the police commissioner for detail of not more than fifty suitable officers and men of at least five years' service in the police force, who shall be selected for their peculiar fitness, for the enforcement of the provisions of the sanitary code. These officers and men shall be detailed to such service by the police commissioner and the department of health shall pay to the police department monthly, the amount of the pay of the officers and men so detailed, who shall belong to the sanitary company of the police and shall report to the board of health. The board of health may report back to the police commissioner for punishment, any member of said company guilty of any breach of orders or discipline, or of neglecting his duty, and thereupon the police commissioner shall detail another officer or man in his place, and the discipline of the said members of the sanitary company shall be in the jurisdiction of the police department; but at any time the board of health may object to the efficiency of any member of said sanitary company and thereupon another officer or man shall be detailed in his place.

Medical examiners' returns.

Sec. 1203. The department of health may, from time to time, make rules and regulations fixing the time of rendering, and defining the form of returns and reports to be made to said department by the office of chief medical examiner of the city of New York, in all cases of death which shall be investigated by it; and the office of the chief medical examiner is hereby required to conform to such rules and regulations. [As amended by Chap. 284, Laws of 1915.]

Removal of dead bodies.

Sec. 1204. It shall be the duty of the department of health to grant a permit for the removal of the body of any deceased person from the city, which has not been buried, upon receiving a certificate of the death of said person, made in accordance with its rules. It may grant a permit for the removal of the remains of any person interred within the city to a place without the same, on the application of a relative or friend of such person, when there shall appear to be no just objection to the same.

Removal of night soil and offal.

Sec. 1205. The board of health shall have full and exclusive power and authority over the removal of night soil, and in the removal of dead animals, offal, night soil, blood, bones, tainted or impure meats, and other refuse matter from said city. It is hereby charged with the duty of causing the removal of the same daily, from the thickly populated districts, or as often as may be necessary elsewhere, and of keeping the said city clean from all matter of nuisance of a similar kind. The department, bureau, or city officer of authority or authorities who shall from time to time have the management and control of the public docks, piers, and slips in said city, may, with the consent of the commissioners of the sinking fund, designate and set apart for the use of the department of health of said city, suitable and sufficient slips, docks, piers and berths in slips, located as the said department of health may require, and such as should be convenient and necessary for its use in executing the duty hereby imposed upon said department of health, excepting the slips, docks and piers on the East River set apart for the use of canal boats.

Id.; contracts for.

Sec. 1206. The board of health is authorized to make contracts with any responsible person or persons for the removal of said offal, dead animals, night soil, and other refuse matter from The City of New York, and to require and receive security in such form and amount as the said board may approve, for the faithful performance by the person or persons aforesaid, to whom such contracts may by the said board of health, be in its discretion, awarded, of all and each of the provisions of such contracts on his or their part. The place or places of reception and deposit of, and to which such offal, dead animals, night soil and other refuse matter may be conveyed, may, from time to time, be designated, and may be ordered changed by the board of health.

Secs. 1207, 1208, 1209. See second schedule rear of book.

Putrid cargoes may be destroyed.

Sec. 1210. The board of health, when it shall judge it necessary, may cause any cargo, or part of cargo, or any matter, or anything within the city that may be putrid or otherwise dangerous to the public health, to be destroyed or removed; such removal, when offered, shall be to the place of deposit of offal, dead animals, and refuse matter, or such other place as the board of health shall direct; such removal or destruction shall be made at the expense of the owner or owners of the property so removed or destroyed, and the same may be recovered from such owner or owners, in an action at law, by such board of health.

Secs. 1211, 1212, 1213 and 1214. See second schedule rear of book.

Paving and draining yards and cellars; filling sunken lots; drainage and maps.

Sec. 1215. No order for the paving, filling, concreting, draining or regulating of any yards or cellars within the city shall be made except upon reasonable notice to the owner or agent thereof. Whenever in the opinion of the board of health the protection of the public health requires the drainage of any lands in the city, by means other than sewers, the said board may make an order describing the location of such lands, and directing the proper drainage thereof, and construction of drains therefor, by the president of the borough where such drainage is so required. The board of health shall thereupon cause a map to be made, whereon shall be shown the location of such proposed drains, and the lands required for the construction thereof. Such order shall be entered at length in the records of such department of health, and such map shall be filed in said department; a copy thereof shall be filed in the office of the registrar or county clerk of the county in which the lands are situated. The board of health shall cause another copy of said map, together with a copy of such order, to be delivered to the president of the borough where such drainage is required, who shall, by such order be required to construct such drains, and the said president, with whom a copy of the said map and order shall be so filed, shall immediately thereafter have the power, and is hereby directed to make and adopt proper and suitable plans for the construction of such drains.—As amended by Laws of 1903, Chapter 516.

Acquisition of rights in lands.

Sec. 1216. It shall be the duty of such borough president, upon the receipt of such map and order, and immediately after he has made and adopted suitable plans for such drains, through the corporation counsel of said city, to take immediate and proper proceedings for the acquirement of a right of way over, under, or through the lands shown upon said map to be necessary for such drains, and it shall be the duty of such corporation counsel immediately to take such proceedings and conduct them to a speedy determination.

Id.; proceedings therein.

Sec. 1217. The right of way over, under or through the lands so required for such drains shall be taken and acquired in the manner required by law for acquiring title to lands in said city to be used as public streets. Provided, however, that the time or times provided in such law for the giving or publication of any notice shall for the purposes of this section, be reduced one-half, and the time for the sitting of the commissioners of estimate and assessment to hear objections to their report is, for the purpose of this section hereby made two days in the place of ten days. Any maps, plans or surveys, that may be required for the use of the commissioners of estimate and assessment to be appointed in such proceeding, shall be furnished by the borough president charged with the construction of the drains and shall be prepared and made by surveyors in the regular employment of such borough president; neither the expense of such surveys, nor any other expenses other than the fees of the commissioners of estimate and assessment, attending the proceeding, and their necessary disbursements for clerical services in carrying out the provisions of this section, which clerical expenses shall not exceed the sum of two hundred and fifty dollars, and also for advertising, printing or posting any notices required by law, and for any other necessary incidental expense, a sum, not exceeding one hundred dollars, shall be included in the assessment that may be made by such commissioner of estimate and assessment. The corporation counsel shall not be entitled to any compensation for services to be rendered by him in such proceeding other than his stated salary. The commissioners shall each be entitled to receive the following rates as compensation for their services in full: Where the drain to be constructed is five hundred feet or under in length, the sum of twenty-five dollars; where the drain exceeds five hundred feet in length, twenty-five dollars, and in addition thereto five cents per foot for each running foot of drain in excess of five hundred feet, but the compensation of each commissioner shall in no case exceed two hundred and fifty dollars.

Id.; confirmation of report of commissioners, construction and taxation.

Sec. 1218. Upon the confirmation of the report of the commissioners of estimate and assessment by the court, the president of the borough within which such lands are located shall have the power, and he is hereby directed to immediately make and construct said drains. The necessary cost of such drains, together with necessary expenses of levying the assessment therefor shall be levied, assessed and collected, as provided by section one hundred and seventy-nine of this act.

Measures to prevent the spread of disease.

Sec. 1219. It shall be the duty of the board of health:

1. To cause any avenue, street, alley or other passage whatever to be fenced up or otherwise inclosed if it shall deem the public safety requires it, and to adopt suitable measures for preventing all persons from going to any part of the city so inclosed.

2. To forbid all communication with the house or family infected with any contagious, infectious or pestilential disease except by means of physicians, nurses or messengers to carry the necessary advice, medicines and provisions to the afflicted.

3. To adopt such means for preventing all communication between any part of the city infected with a disease of pestilential, infectious or contagious character and all other parts of the city, as shall be prompt and effectual.

Id.; proclamation.

Sec. 1220. The board of health may issue a proclamation declaring any place where there shall be reason to believe a pestilential, contagious or infectious disease actually exists, to be an infected place within the meaning of the health laws of this state. Such proclamation shall fix the period when it shall cease to have effect; but such period, if the said board shall judge the public health to require it, may, from time to time, be extended by the board of health, and notice of such extension shall be published in one or more of the newspapers of this city. The board of health may in its discretion prohibit or regulate the internal intercourse by land or water between The City of New York and such infected place; and may direct that all persons who shall come into the city contrary to its prohibition or regulations, shall be apprehended and conveyed to the vessel or place whence they last came; or, if sick, that they be conveyed to such place as the said board shall direct. After such proclamation shall have been issued, all vessels arriving in the port of New York from such infected place shall be subject to a quarantine of at least thirty days or until the period when such proclamation shall cease to have effect as provided by the last preceding section, and shall, together with their officers crews, passengers, and cargoes, be subject to all the provisions, regulations and penalties in relation to vessels subject to quarantine.

Vessels removed.

Sec. 1221. The board of health shall also possess and may exercise the following powers:

1. By order to direct any vessel lying at a place within three hundred yards of any wharf, landing place or shore of said city, and from which said board shall deem it probable that any infectious or contagious disease may be brought into

said city, or communicated to the inhabitants thereof, to be removed to the distance of at least three hundred yards away from any wharf, landing place or shore of said city, within six hours after a copy of such order, certified by the secretary of said department, shall be delivered to the person or persons having command of such vessel, or to the master, owner or consignee thereof; and every such person or persons, master, owner or consignee to whom such copy of such order shall be delivered shall forthwith comply with the same.

2. By order to direct to be removed to a place to be designated by the board of health, all things within the city, which, in its opinion, shall be infected in any manner likely to communicate disease to the inhabitants.

Violation of orders, punishment for.

Sec. 1222. Every person who shall violate, or neglect, or refuse to comply with any provision contained in any of the last three sections, or in the orders made by the board of health, in pursuance thereof, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding two hundred and fifty dollars, or imprisonment not exceeding six months, or both; and all such fines when collected shall be paid to the comptroller. Any violation of the sanitary code shall be treated and punished as a misdemeanor, and the offender shall also be liable to pay a penalty of fifty dollars, to be recovered in a civil action in the name of the department of health of The City of New York.

Sec. 1223. See second schedule rear of book.

Service of orders.

Sec. 1224. Service of any order of said board of health shall be deemed sufficient, if made upon a principal person interested in or upon a principal officer charged with a duty in respect of the business, property, matter, or thing, or the nuisance or abuse to which said order relates; or upon a person, officer, or department, or one of the department, who may be most interested in or affected by its execution. If said order relate to any building or the drainage, sewerage, cleaning, purification, or ventilation thereof, or of any lot or ground on or in which such building stands, used for, or intended to be rented as the residence or lodging place of several persons, or as a tenement-house or lodging house, service of such order on the agent of any person or persons for the renting of such building, lot, or ground, or for the collecting of the rent thereof, or of the parts thereof to which said order may relate, shall be of the same effect and validity as due service made upon the principal of such agent, and upon the owners, lessees, tenants, occupants of such buildings, or parts thereof, or of the subject matter to which such order relates.

Vaccinations.

Sec. 1225. For the purpose of more effectually preventing the spread of smallpox by the thorough and systematic vaccination of all unvaccinated persons, and for the relief of persons suffering from diphtheria and other infectious diseases, residing in said city, the board of health is hereby empowered to continue or organize a corps of vaccinators and of physicians, within and subject to the control of the bureau of sanitary inspection, to appoint the necessary officers, keep suitable records, collect and preserve pure vaccine lymph or virus, and produce diphtheria antitoxine and other antitoxines, and add to the sanitary code such additional provisions as will most effectually secure the end in view. Said board of health may take measures, and supply agents and offer inducements and facilities for general and gratuitous vaccination, disinfection, and for the use of diphtheria antitoxine, and other antitoxines, and may afford relief to and among the poor of said city as in its opinion the protection of the public health may require.

Sale of lymph and antitoxine.

Sec. 1226. Whenever the amount of vaccine lymph, or virus collected by the said corps, or of diphtheria antitoxine, and other antitoxines produced, shall exceed the amount required in the proper performance of its duties, the said board of health may authorize the sale of such surplus lymph or virus, and diphtheria antitoxine, and other antitoxines at reasonable rates, to be fixed by the board of health. The avails of such lymph or virus, and diphtheria antitoxine, and other antitoxines, shall be accounted for and paid to the chamberlain, and shall be set apart and constitute distinct funds, to be known respectively as "the fund for gratuitous vaccination," and "the antitoxine fund," and they shall be subject to the requisition of the board of health for the purposes named in the preceding section.

Sec. 1227. See second schedule rear of book.

Extension of proclamation period.

Sec 1228. Whenever it shall appear to the board of health that any of the provisions of this title, limited in their operations to a certain period of the year, or designated periods of time, ought to be extended, the said board of health shall issue its proclamation extending such provisions to such a time as shall be determined on, and such provisions shall thereupon be extended accordingly and with the like effect as if the periods mentioned in such proclamation, had been originally herein enacted. If it shall appear to the board of health while such proclamation is still in force, that the necessity of extending the period therein named has ceased, the board of health, by a new proclamation declaring that fact, may revoke the proclamation issued pursuant to this section, which shall then cease to have effect.

Definitions.

Sec. 1229. The word nuisance, as used in this act, shall be held to embrace public nuisance, as known at common law, or in equity jurisprudence; and it is further enacted that whatever is dangerous to human life or detrimental to health; whatever building or erection, or part or cellar thereof is over-crowded with occupants, or is not provided with adequate ingress and egress to and from the same, or the apartments thereof, or is not sufficiently supported, ventilated, sewered, drained, cleaned or lighted, in reference to their or its intended or actual use; and whatever renders the air or human food or drink, unwholesome, are also, severally in contemplation of this act, nuisances; and all such nuisances are hereby declared illegal; and each and all persons and corporations who created or contributed thereto, or who may support, continue or maintain or retain them or any of them, shall be jointly and severally liable for, or toward, the expense of the abatement and remedying of the same; but as between themselves, any such persons and corporations may enforce contributions or collect expenses, according to any legal or equitable relations existing between them; but nothing herein contained shall annul or defeat any common law liability or responsibility in respect of nuisances. Whenever the words "place, matter or thing," or either two of said words, are used in this act, or in titles one, four and five of this chapter, they shall, unless the sense plainly requires a different construction, be construed to include whatever is embraced in the enumeration with which they are connected.

TITLE 2.

MARRIAGES, BIRTHS AND DEATHS.

Persons solemnizing marriages to keep a registry.

Sec. 1236. It shall be the duty of the clergymen, magistrates and other persons who perform the marriage ceremony in The City of New York to keep a registry of the marriages celebrated by them, which shall contain, as near as the same can be ascertained, the name and surname of the parties married; the residence, age and condition of each; whether single or widowed.

Births to be reported.

Sec. 1237. It shall be the duty of the parents ot any child born in said city (and if there be no parent alive that has filed such report, then of the next of kin of such child born), and of every person present at such birth, within ten days after such birth, to file a report with the department of health, in writing, stating so far as known, the date, borough and street number of said birth, and the sex and color of such child born, and the names, residence, birthplace and age of the parents, the occupation of the father and the maiden name of the mother. It shall also be the duty of physicians and professional midwives to keep a registry of the several births in which they have assisted professionally, which shall contain, as near as the same can be ascertained, the time of such birth, name, sex and color of the child, the names, residence, birthplace and age of the parents, occupation of the father and maiden name of the mother, and file a report of the same within ten days with the said department of health.—As amended by Laws of 1905, Chapter 532.

Deaths to be reported.

Sec. 1238. It shall be the duty of the next of kin of any person deceased, and of each person being with such deceased person at his or her death, to file report in writing, with the department of health within five days after such death, stating the age, color, nativity, last occupation and cause of death of such deceased person, and the borough and street, the place of such person's death and last residence. Physicians who have attended deceased persons in their last illness shall, in the certificate of the decease of such persons, specify, as near as the same can be ascertained, the name and surname, age, occupation, term of residence in said city, place of nativity, condition of life; whether single or married, widow or widower; color, last place of residence and the cause of death of such deceased persons, and the medical examiners of the city, shall in their certificates conform to the requirements of this section.—As amended by Chapter 284, Laws of 1915.

Penalty for failure to report marriages and births to department of health.

Sec. 1239. For every omission of any person to make and keep the registry of marriages and births required by the preceding sections, and for every omission to file a written copy of the same with said department of health, within ten days after any birth or marriage provided to be registered, and for every omission to or failure, after the expiration of the said ten days, to comply with an order of the board of health requiring that any such report of a death, birth or marriage be filed with the department of health, the person guilty of such omission shall be guilty of a misdemeanor; and in addition thereto the offender shall also be liable to pay a fine of one hundred dollars, to be recovered in the name of the department of health of the city of New York, before any justice or tribunal in said city having jurisdiction of civil actions. But no person shall be liable for such fine or subject to arrest and imprisonment for not filing the report herein required, if such report has been filed by any other person, or if an excuse is presented to the commissioner of health for such omission which the said commissioner shall decide to be sufficient, in which event the said commissioner of health is hereby empowered to excuse the said omission. In any action hereunder such excuse shall be proved by the party claiming the benefit of the same.—As amended by Laws of 1916, Chap. 515.

Record of births, marriages and deaths.

Sec. 1240. The department of health shall keep a record of the births, marriages and deaths filed with it; the births shall be numbered and recorded in the order in which they are received by it; and the record of births shall state the place and

date of birth, the name, sex and color of the child, the names, residence, birthplace and age of the parents, occupation of father and maiden name of mother, as fully as they have been received, and the time when the record was made. The marriages shall be numbered and recorded in the order in which they are received by the department; and the record thereof shall state the date of marriage, name, residence, and official station, if any, of the persons, by whom married, the names and surnames of the parties, age, the color, residence, birthplace, number of marriage and condition of each; whether single or widowed, father's name and mother's maiden name, and maiden name of the bride if a widow, and the time when the record was made. The deaths shall be likewise numbered and recorded; and the record thereof shall state, as far as the same is reported, the date of decease, name and surname, condition, whether single, married or widowed, age, place of birth, place of death, occupation, names and birthplace of the parents, disease, cause of death, color, and last place of residence of such deceased person, and the time when the record was made. Said department shall perform all the duties of this section imposed, as a part of its regular duties, and no fees shall be demanded or received by reason thereof.—As amended by Laws 1905, Chapter 532.

Registration of births not previously recorded.

Sec. 1241. The births of the children of actual residents of the city of New York, which may have occurred during the temporary absence of the parents of such children from the city of New York, and the births of children which failed to be recorded through the neglect of the physician or other medical attendants present at such birth, may be recorded in the bureau of records of the health department of said city, upon the application in such behalf by the parents or guardians of such children. Such application shall be made to the commissioner of health, and shall be accompanied by a certificate of the physician or midwife attending professionally at such birth, and personally cognizant thereof, together with the affidavit of at least two citizens, certifying to their knowledge of the facts, and that this physician or midwife making such certificate of birth is a reputable person in good standing in the community in which he or she may reside. Where the physician or midwife, as the case may be, who attended professionally at any such birth is dead or cannot be found after due diligence, or where no physician or midwife attended professionally at such birth, the application to record such delayed birth certificate shall, in addition to the affidavits above mentioned, be accompanied by a certificate signed by the father, mother or guardian upon a form prescribed by the said department of health. Where such physician or midwife is dead, the application must be accompanied by proof of death when such fact is known to the applicant, and, where such physician or midwife cannot be found after due diligence, as aforesaid, the application must be accompanied by the affidavit, or affidavits, setting forth in detail the efforts made to locate such physician or midwife. No such birth shall be recorded without proof satisfactory to and upon the approval of the commissioner of health of all the facts and circumstances required to be stated in the application and papers mentioned herein. Such power to pass upon and approve such applications may, however, be delegated by the said commissioner of health, in writing, to the registrar of records of the department of health for such period and to such extent as shall be specified in such delegation. No change or alteration shall, at any time, be made in any of the records of the said bureau of records in said city, without proof satisfactory to and upon the approval of the said commissioner of health. The said commissioner of health may, however, delegate, in writing, such power to the registrar of records of the department of health for such period and to such extent as shall be specified in such delegation. Transcripts of any record in said bureau of records may be given, in the discretion of the department of health, to a parent or the next of kin of the person relating to whom the record was filed, or said latter person's duly authorized representative. Such transcripts shall be on such forms as the commissioner of health may prescribe, and for them the usual fees for copies of records may be received. No transcripts, however, of false or fraudulent returns made to the said bureau or of the entries thereof, shall be given; and shall be canceled upon due proof of the facts to the department of health.—As amended by Laws of 1914, Chapter 161.

TITLE 3.

DUTIES OF PHYSICIANS AND OTHERS.

Report of pestilential, infectious and contagious diseases; deaths.

Sec. 1247. It shall be the duty of each and every practicing physician in The City of New York:

1. Whenever required by the department of health to report to said department, at such times, in such forms and in reference to such diseases as said department may prescribe, the number of persons attacked with any pestilential, contagious or infectious disease attended by such physician for the twenty-four hours next preceding, stating the name of such patient, and the name and place where he shall then be; and the number of persons attended by such physician, who shall have died in said city, during the twenty-four hours next preceding such report, of any such case.

2. To report, in writing, to the said department of pestilential, contagious or infectious disease every patient he shall have laboring under any such pestilential, contagious, or infectious disease, and within twenty-four hours after he shall ascertain or suspect the nature of the disease.

3. To report to the said department when required by it the death of any of his patients who shall have died of disease within twenty-four hours thereafter, and to state in such report the specific name and type of such disease.

Affidavit may be required.

Sec. 1248. The department of health may require of any physician not less than three hours after service of a demand thereof upon him, an affidavit, stating therein whether he has or has not any patient, who, in his opinion shall then be sick of such a pestilential, contagious or infectious disease, and if he has any such patient, to state in such affidavit his or her name and the house or place in said city where he or she shall then be, and the nature or name of such disease, to the best of his knowledge and belief.

Penalty for failing to report.

Sec. 1249. Every practicing physician who shall refuse or neglect to perform the duties enjoined on him by the foregoing section shall be considered guilty of a misdemeanor and shall also forfeit for each offense the sum of two hundred and fifty dollars, to be sued for and recovered by the department of health.

Boarding and lodging house keepers may be required to report.

Sec. 1250. Every person keeping a boarding or lodging house in the city, shall, whenever required by the department of health, report, in writing, to the department the name of every person who shall be sick in his house within twelve hours after each case of sickness shall have occurred.

Masters, etc., of vessels to report.

Sec. 1251. Every master, owner or consignee of a vessel lying at a wharf or in the harbor of The City of New York shall make a like report, and within the same period, of the name of every sick person on board of such vessel; and no person shall be removed therefrom without a written permit for that purpose from the department of health.

TITLE 4.

LEGAL PROCEEDINGS AND PUNISHMENT FOR DISOBEDIENCE OF ORDERS AND ORDINANCES.

Order for examination before justice of supreme court.

Sec. 1257. Any justice of the supreme court of the first or second department, or who is holding court or chambers therein, upon the written application of the commissioner of health, may issue his order by him subscribed, for the examination without unreasonable delay by or before such justice of any person or persons, and the production of books or papers or the inspection and taking of copies of the whole or parts thereof, at a time and place within said city, and in said order to be named, provided it shall appear to the satisfaction of said justice or court that any matter or point affecting life or health is involved; and it shall be the duty of such justice to take or superintend such examination, which shall be under oath, and shall be signed by the party or parties examined and be certified by said justice, and with any copies of books or papers, to be delivered to said health department for the use of said department. And such examination, and any proceeding connected therewith, or under said order, may wholly or in part be had, conducted or continued by or before any other of said justices, as well as that one who made said order; and in and about the same, every such justice shall have as full power and authority to punish for contempt, and enforce obedience to the said or other order or direction respecting the matter aforesaid (or that of any other judge) as any such justice of the supreme court may now have, or shall possess, to enforce obedience or punish contempt in any case or matter whatever. Such application shall name or describe the person or persons whose examination is sought, and so far as possible the books or papers desired to be inspected, and the matters or points affecting life or health as to which the commissioner of health requests the examination to take place, and the justice shall on the proceedings, decide what questions are pertinent and allowable in respect thereto, and shall require the same to be properly answered; but no answer of any person so examined shall be used in any criminal proceeding. Service of any order of any such justice may be made, and the same proved in the same manner as the service of either an injunction or of a subpena. And it shall be the duty of said justice to facilitate the early determination of the aforesaid proceedings.

Appearance and examination of witnesses.

Sec. 1258. Upon the application of any party in interest in any matter pending examination before said department of health, by affidavit, stating the grounds of such application, to any judge of a court of record, and asking that any person or persons therein named shall appear before said department of health, or any person taking or about to take such examination, at some time or times and place to be stated in the said affidavit, it shall be the duty of such judge, if he shall discover reasonable cause so to do, to issue his order requiring such person or persons named to appear and submit to such examination as, and to the extent, such order may state, at the time and place to be in said order named; and such order, signed by such judge, may be served, and shall in all respects be obeyed as a subpena duly issued; and a refusal to submit to the proper examination may be punished by such judge or by any judge of such court as a contempt of court, upon the facts as to such refusal being brought before any such judge by affidavit.

The health department as party plaintiff and defendant.

Sec. 1259. In all actions and proceedings heretofore commenced and now pending against either of the cities of New York, Brooklyn or Long Island City or the town authorities and public officers in Kings, Richmond counties and the part of Queens county, now to form a part of The City of New York, or against the department of health, board of health, or sanitary officers in any port of said territory, in which any action, order, regulation, ordinance or proceeding of any of the health departments, boards of health or sanitary officers thereof, is called

in question or made the subject of the action or proceeding, the department of health of The City of New York shall have the right to appear, answer and take part; and in all such actions and proceedings hereafter commenced the said health department shall be a necessary party, and have the right to appear and to take part therein. The said department may institute and maintain all suits and proceedings which are reasonable, necessary and proper, to carry out the provisions of the laws under which the said department acts, and may sue and be sued by the proper name of the department of health of The City of New York.

Injunctions when not to be granted against department.

Sec. 1260. No preliminary injunction shall be granted against the department of health, or its officers, except by the supreme court, at a special term thereof after service of at least five days' notice of a motion for such injunction, together with copies of the papers on which the motion for such injunction is to be made. Whenever said department shall seek any provisional remedy, or shall prosecute any appeal, it shall not be necessary before obtaining or prosecuting the same to give any undertaking.

Proceedings presumed legal.

Sec. 1261. In all judicial proceedings the actions, proceedings, authority, and orders of said department shall at all times be regarded as in their nature judicial, and be treated as prima facie just and legal. In any suit, the right of said department or the police department to make any order, or cause the execution thereof, shall be presumed.

Violation of department orders, actions for.

Sec. 1262. Whoever shall violate any provisions of this chapter, or any order of said department made under the authority of the same, or by any law or ordinance thereiu referred to, or shall obstruct or interfere with any person in the execution of any order of said department, or any order of the police department in pursuance of execution of the orders of the department of health, or willfully omit to obey any such order, shall be guilty of a misdemeanor, and be liable to be indicted and punished for such offense; and in cases where it was made a misdemeanor to do or omit any act or thing, when any power or authority hereby conferred upon the board of health or department of health, was exercised by any other board of health, or officers, the omission or doing of such, or a corresponding act or thing, which this chapter requires, or contemplates to be done or forbids shall in like manner be a misdemeanor, and the offender shall be liable to indictment and punishment for the same. A wilful omission or refusal of any individual, corporation, or body to conform to any regulation of said department duly made for the protection of life or the care, promotion, or preservation of health, or the carrying out of the purposes of this chapter, pursuant to its power or authority, shall be a misdemeanor, and the person or officers guilty thereof shall be liable to indictment and punishment as for a misdemeanor. All prosecutions and proceedings against any person for misdemeanor under this chapter may be had or tried before any judge or tribunal having jurisdiction of any misdemeanor within said city. Any person, corporation, or body which may have wilfully done or omitted any act or thing which is, in this chapter, or by any law, or ordinance, or the sanitary code referred to, declared to be, or to subject the party guilty thereof to punishment for a misdemeanor, shall in addition thereto, be subject to a penalty of two hundred and fifty dollars, to be sued for and recovered by said department in any civil tribunal in said city. Where in any case the minimum penalty for a refusal to obey, or for a violation of any order, regulation, or ordinance of said department of health, or any law, is not fixed, the amount recovered in such case shall not be less than twenty dollars, and the judge or justice who presided at a trial where such penalty is claimed shall, on said trial, in writing, fix the amount, not contrary to said provisions, of said penalty to be recovered, and shall direct such amount so fixed to be, and it shall be included in the judgment. Any such suits may be against one or more, or all of those who participate in the act, refusals, or omissions complained of, and the recovery may be against one or more of those joined in the action as the justice or the court shall direct. The provisions of this section as to the jurisdiction of tribunals, parties and costs shall apply to all suits by said department or by the police department under this chapter. All processes and papers usual or necessary in the commencement and prosecution of actions, or for the collection of money in suits or proceedings under this chapter, on execution, may be served by any policeman, and in and about such matters the policeman so engaged shall have all the powers of marshals, and no fees shall be charged by any court, magistrate, clerk for one issue of any paper or process, or for the performance of any duty in suits under this chapter. Any civil action brought under or by authority of this chapter may be brought in any court in said city, having jurisdiction in any civil action to an amount as large as is demanded in such action; and if judgment be rendered for the plaintiff in any amount, costs of the court in which action is brought shall also be recovered, without reference to the amount of the recovery, provided payment was demanded before suit brought, and the defendant or defendants in the action against whom the recovery is had, did not, as the code of civil procedure authorizes offer to pay an amount equal to the recovery against him or them, except that in cases where the recovery shall be less than fifty dollars the amount of costs shall be ten dollars; and in case no recovery is had, the plaintiffs shall not pay costs unless the judge or justice, at the conclusion of the trial, shall certify in writing that there was not reasonable cause for bringing the action, and in such case the costs shall not exceed ten dollars, unless the amount claimed exceeded fifty dollars. No action shall abate, or right of action already accrue be abolished, by reason of the expiration, repeal or amendment of an ordinance, code or sanitary ordinances, or regulation of said department; nor shall any court lose jurisdiction of any action by reason of a plea that title to real estate is involved, provided the defendant is sought by the pleadings to he charged in said action on any of the grounds mentioned in this chapter, other than by virtue of ownership of such real estate. In respect to all proofs and proceedings by said department, or its agents or officers, under this chapter, papers filed shall be deemed entered upon or in the minutes of the department.

Arrests for violation of rules.

Sec. 1263. The board of health having first entered on the minutes of department of health, or filed in its records, what it may regard as adequate proof of a violation of resistance by any persons in said city, of any law, or ordinance, the authority relating to which is given to said department, or of any order made by said board or said department, may order, by warrant, under its seal and attested by the signature of its secretary, and indicating, as far as conveniently practicable, the time, place and nature of the offense committed, the arrest of any such person, and such order of arrest shall be of the same effect and shall he executed as a warrant from a justice or judge, duly issued; and the party arrested shall be taken before a magistrate, and thereupon and thereafter shall, by all officers, he treated as being, and have the rights and liability of a party under arrest by order of the proper officer or tribunal, for a misdemeanor, of the nature indicated in said order of arrest.

Id.; by member of police force or officer of department of health.

Sec. 1264. Any member of the police force, and every inspector or officer of said department of health, as the regulations of either of said departments may respectively provide relative to its own subordinates, may arrest any person who shall, in view of such member or officer, violate, or do, or he engaged in doing or committing in said city, any act or thing forbidden by this chapter, or by any law, ordinance, or regulation the authority conferred by which is given to said department of health, or who shall, in such presence, resist or be engaged in resisting the enforcement of any of the orders of said department or of the police department pursuant thereto. And any person so arrested shall be thereafter treated and disposed of as any other person duly arrested for a misdemeanor; and the said inspectors and officers of the said department of health respectively are hereby declared to he peace officers and constituted such within the provisions of section one hundred and fifty-four of the code of criminal procedure, and are hereby authorized and empowered subject to the regulations of said department as aforesaid, to proceed under the provisions of section eighty-two, subdivision h, and sections eighty-three, eighty-four, eighty-five, eighty-six and eighty-seven of chapter six hundred and fifty-nine of the laws of nineteen hundred and ten in the same manner and with like force and effect as a police officer in respect to procuring, countersigning and serving the summons referred to therein. [As amended by Laws of 1913, Chap. 687.]

Sec. 1265 repealed by Interior Criminal Court act, Laws 1910, Chapter 659. See back of book.

False returns and deceptive reports, how punished.

Sec. 1266. If any person shall knowingly make to, or file with, said department of health, of* any officer thereof, any false return, statement or report relative to any birth, death or marriage, or other matter concerning which a report or return may be legally required of, or should be made by, such person; or if any member, inspector or officer, or any agent of said department of health shall knowingly make to said department of health any false or deceptive report or statement in connection with his duties, or shall accept or receive, or authorize or encourage, or knowingly allow any other person to accept or receive any bribe or other compensation as a condition of or an inducement for not faithfully discovering and fully reporting, or otherwise acting according to his duty in any respect, then any and every such person shall be deemed guilty of a misdemeanor, punishable by imprisonment of not more than one year or by a fine of not more than five hundred dollars and, if an officer or employee of the department, by the forfeiture of his office, rank or position, and shall be liable to be for such crime indicted, tried and punished according to law, and shall, in addition, forfeit all compensation due or to grow due from said department.—As amended by Laws 1905, chapter 532.

False personation as an officer of department, penalty.

Sec. 1267. It shall be a misdemeanor, punishable by imprisonment in the penitentiary, for not less than one year nor exceeding two years, or by a fine of not less than two hundred and fifty dollars, for any person, not an officer of or under the authority of the department of health, to falsely represent himself as such, with a fraudulent design upon persons or property, or to have, use, wear or display, without authority, any shield, or other

*So in original.

insignia or emblem such as is worn by such officer.

Boarding and lodging house keepers and masters of vessels.

Sec. 1268. Every keeper of a boarding or lodging house, and every master, owner, or consignee of a vessel who shall refuse or neglect to obey the orders and directions of the department of health, as provided by this act, shall be considered guilty of a misdemeanor, and upon conviction shall be fined for each offense in a sum not exceeding two hundred and fifty dollars, or be imprisoned for a term not exceeding six months.

Officers and magistrates to act promptly.

Sec. 1269. It shall be the duty of all prosecuting officers of criminal courts, and city magistrates to act promptly upon all complaints, and in all suits or proceedings for any violation of this chapter, and in all proceedings approved or promoted by said department, and to bring the same to a speedy hearing or termination and to render judgment and direct execution therein without delay.

TITLE 5.

REIMBURSEMENT FOR EXPENSES.

Joint and several liability of owners, lessees and occupants of property and assignment of claims for expenses of execution of orders thereon.

Sec. 1275. It is hereby declared to be the duty, of which there shall be a joint and several liability of every owner and part owner and person interested, and of every lessee, tenant, and occupant of, or in, any place, water, ground, room, stall, apartment, building, erection, vessel, vehicle, matter and thing in said city, and of every person conducting or interested in business therein or thereat, and of every person who has undertaken to clean any place, ground or street therein, and of every person, public officer, and board having charge of any ground, place, building or erection therein, to keep, place and preserve the same and every part, and the sewerage, drainage, and ventilation thereof in such condition, and to conduct the same in such manner that it shall not be dangerous or prejudicial to life or health, subject to the ordinances of the sanitary code and the orders of the department of health.

On what expenses to be a lien.

Sec. 1276. The expenses attending the execution of any and all orders duly made by the department of health shall respectively be a several and joint personal charge against each of the owners or part owners and each of the lessees and occupants of the building, business, place, property, matter or thing to which said order relates, and in respect of which said expenses were incurred; and also against every person or body who was by law or contract bound to do that in regard to such business, place, street, property, matter or thing which said order requires, and said expenses shall also be a lien on all rent and compensation due, or to grow due, for the use of any place, room, building, premises, matter, or thing to which said order relates, and in respect of which said expenses were incurred, and also a lien on all compensation due, or to grow due, for the cleaning of any street, place, ground, or thing, or for the cleaning, or removal, of any matter, thing, or place, the failure to do which by the party bound so to do, or doing of the same in whole or in part by order of said department, was the cause or occasion of any such order or expense.

Suit for expenses.

Sec. 1277. Said department of health, in case it has incurred any expense, or has rendered service for which payment is due, and as the rules of said department of health may provide, may institute and maintain a suit against any one in this chapter declared liable for expenses, or against any person, firm, or corporation, owing or who may owe such rent or compensation, and may recover the expenses so incurred under any order aforesaid. And only one or more of such parties liable or interested may be made parties to such action as the department may elect; but the parties made responsible as aforesaid for such expenses shall be liable to contribute or to make payment as between themselves, in respect of such expenses, and of any sum recovered for such expenses or compensation, or by any party paid on account thereof, according to the legal or equitable obligation existing between them.

Expense of executing orders to be a lien.

Sec. 1278. The said department shall have a lien for the expenses necessarily incurred in the execution of said order, and said expenses shall be a lien upon the land and buildings upon or in respect of which, or either of which, the work required by said order has been done, or expenses incurred, which lien shall have priority over all other liens and incumbrances, except taxes and assessments. But no such lien shall be valid for any purpose till the said department shall have caused to be filed in the office, or with the officer where such notices of mechanics' liens are now or may be hereafter required to be filed, a notice containing the same particulars as required to be stated with reference to mechanics' liens, with the further statement that the expense has been incurred in pursuance of an order of said department, and giving its date. Upon such filing the said officer shall make the same entry on the book or index in which mechanics' liens are entered as he is required to enter in cases of mechanics' liens, together with a reference to said order by date; and thereafter the same shall, except as herein elsewhere provided, have the same effect in all respects as a mechanic's lien; and all proceedings with reference to said lien, its enforcements and discharge, shall be had and carried on in the same manner as similar proceedings with reference to mechanics' liens are now, or may be hereafter by law had or carried on. The filing of such statement shall as to all persons have the same effect as filing of notice of mechanics' liens; and unless within six months after actual notice of such filing, proceedings are taken by the party against whom or whose said property a lien is claimed, to discharge such lien, the filing shall, as to all persons having such actual notice, become conclusive evidence that the amount claimed in such statement, with interest, is due, and is a just lien upon said land and building. Such lien shall continue to be a lien for the space of four years from the time of filing such statement, unless proceedings are in the meantime taken to enforce or discharge the same, which may be done at any time during its continuance. In case proceedings are so taken, it shall remain a lien until the final termination of such proceedings; and if such proceeding shall result in a judgment for the amount claimed in such statement, or any portion thereof, such judgment shall, to such extent, be a lien in the same manner, and from the same time as said statement.

Statement of expense of executing orders.

Sec. 1279. When the department of health shall, through its own officers, and men and means have executed, or so far executed as said department may require, any order, the expenses of such execution, giving in general terms the items of such expense and the date of execution, shall be stated in an affidavit, and the same shall be filed among the records of said department with the order so executed; and said department shall take care by, or through some proper officer, or otherwise, that the expenses of such execution be so stated with fairness and accuracy; and when it shall appear that such execution or the expenses thereof, related to several lots or buildings belonging to different persons, said affidavit shall state what belongs to, or arose in respect to each lot of said several lots or buildings, as said department of health or its authorized officer may direct; and said department may revise the correctness of such apportionment of expenses as truth and justice may require. Whenever the expenses attending the execution of any order of said department of health may be made the subject of a suit by said department, there may be joined in the same suit a claim or claims for any penalty or penalties for violation of any provisions of this chapter, or for the violation or omission to perform or obey said order, or any prior order of said department, or for the not doing of that, or any portion of that, for the doing of which said expenses arose or were incurred; and the proper joint or several judgment may be had against one or more of the defendants in the suit, as they or either of them may be liable in respect of both said claims, or either or any of them. And said expenses of executing said order, and the expenses of executing any judgment in any abatement suit in this chapter provided for, and the several judgments that may be recovered hereunder, or otherwise, for any such penalty or expenses, or both such penalty or expenses together, until the same are paid or discharged, shall be a lien as other judgments, and also a lien and charge upon rent and compensation due or then maturing from any tenant or occupant of the building, lots, and premises, or the parts thereof to which any such order or judgment relates, or in respect of which any such expenses were incurred. And such expenses and judgments shall respectively be a lien on all compensation due or to grow due from the cleaning of any street, place, ground, or thing, or for the cleaning or removal of any matter, thing, or place, the failure to do which by the party bound so to do, or the doing of the same in whole or in part by order of said department, was the cause or occasion of any such charge or expense. For the purpose of rendering such lien and charge more effectual to secure payment of any such expenses or judgment, from any rent or compensation aforesaid, proceedings may be taken as follows:

1. The department of health may serve a copy of the order under or by reason of which such expenses were authorized or incurred with a copy of any affidavit stating the expenses of the execution of such order, or if the claim be a judgment, may serve a transcript of such judgment, and any affidavit showing the expense of its execution if there be any, upon any person or corporation, owing, or who is about to owe any such compensation, or owing or about to owe any rent or compensation for the use or occupation of any grounds, premises or building or any part thereof, to which said order or judgment relates, and in respect of which such expenses embraced in said judgment related or were incurred, and may, at any time of such service, demand in writing that such rent, or any such compensation to the extent of said claims for said expenses, or for any such judgment or expense in executing the same shall, when such rent or compensation becomes due and payable, be paid to the department of health.

2. After the service of the papers aforesaid and such demand, any tenant, lessee, occupant, or other person owing, or about to owe, any such rent or any such compensation shall, when such rent or any such compensation shall mature, or become payable, pay the same, and from time to time pay any other amount thereof, as the same may become due and payable, or so much thereof as is sufficient to satisfy any such judgment or claim for expenses, or both, so served, to said department of health, and a receipt shall be given therefor, stating on account of what order or judgment and expenses the same has been paid and received; and the amount so received shall be deposited where other funds of said department are kept, to the special account of such department.

3. Any person or corporation refusing or omitting, as herein directed, to make such payment to the department of health, after service of this paper and demand aforesaid, as herein required, shall be personally liable to said department of health for the amount that should have been paid to said department according to the provisions hereof, and may by such health department be sued therefor; and such persons shall not in such suit, dispute or call in question the authority of said department of health to incur, or order such expense or the validity or correctness of such expenses of judgment in any particular, or the right of the said department to have the same paid from such rent or compensation. But the receipt of such department for any sum paid as aforesaid shall, in all suits and proceedings, and for every purpose, be as effectual in favor of any person holding the same, as actual payment of the amount thereof to the proper landlord, lessor, owner, or other person or persons who would, but for the provisions of this title, and of said demand, have been entitled to receive the sum so paid. And it is further expressly declared that no tenant or occupant of any lot, building or premises, shall be dispossessed or disturbed, nor shall any lease or contract, or rights, be forfeited or impaired, nor any forfeiture or liability be incurred by reason of any omission to pay to any landlord, owner, lessor, contractor, party, or other person, the sum so paid to said department of health, or any part thereof.

Department to retain moneys till twelve days after notice.

Sec. 1280. The said department of health shall retain money so paid until twelve days after it shall be made to appear to said department of health, or some proper officer thereof, by satisfactory affidavit, that the party or parties, or his or their agent for the collection of any such rent or compensation, who, but for the provisions hereof would have been entitled to receive the same, has had written notice of such payment being made; and if at the end of said twelve days the party or parties aforesaid, so notified, have not instituted suit to recover said money, as hereinafter provided, then it shall, by said department, be paid to the city chamberlain.

TITLE 6.

ABATEMENT BY SUIT.

Nuisance defined.

Sec. 1287. A willful omission or refusal of any individual, corporation, or body, to forthwith abate any nuisance, as ordered by a resolution of the board of health, duly served upon them, pursuant to the provisions of this act, or to conform to any ordinance of the sanitary code or any sanitary regulation of said board, duly made for the protection of life, or the care, promotion or preservation of health, pursuant to its power or authority shall be a misdemeanor, and the person or officers guilty thereof shall be liable to indictment and punishment as for a misdemeanor. In addition thereto every person, body or corporation that shall violate or not conform to any ordinance of the sanitary code, or any rule, sanitary regulation or special or general order of said board, duly made, shall be liable to pay a penalty not exceeding fifty dollars for each offense, which may be sued for, and recovered by and in the name of said department of health, with costs, before any justice or tribunal in said City of New York having jurisdiction of civil actions.

Suits to abate nuisance.

Sec. 1288. For the abatement or remedying any of the nuisances mentioned or declared in this chapter or by the board of health pursuant to the authority devolved upon and conferred upon it by this act, the board of health may institute and maintain in any court in said city having jurisdiction in suits where the amount claimed exceeds one thousand dollars, a suit or suits at law or in equity. And all costs collected in any such action or proceeding shall be paid over to the department and accounted for by it. To all such suits the provisions of this chapter, relative to jurisdiction, costs and parties, shall be applicable; and the courts shall allow the plaintiff, at any proper stage of the case, to amend, by joining other parties defendant; and no suit shall be dismissed or defeated by reason of there being other persons interested therein, or concerned in causing, creating, or maintaining the nuisance complained of in such suit.

Id.; trial thereof.

Sec. 1289. Such suit shall be tried by the court without a jury, unless some defendant shall, in his answer, or by notice in writing to be served on plaintiff's attorney within five days after service of said answer, demand a trial by jury on some question of fact, to be in said answer, or notice distinctly stated, and in respect of which a right of trial by jury exists, and if any such demand be so made and served, the case shall, as to all defendants, be placed on the calendar of jury trial cases as a preferred case; and when moved for trial, if issues of fact for the jury have not before been settled, the presiding judge may state in writing the issues of fact to be submitted to the jury, or the trial shall proceed upon the material issues of fact made by the pleadings without such written statement of issues; and the judge who presided at the trial (or some judge of the same court, if said judge be unable to proceed therewith) shall, on receiving the verdict, or as soon thereafter, and at the same term, if possible, settle and cause to be entered the proper judgment in said suit.

Id.; judgment; what to contain.

Sec. 1290 If the judgment be that any nuisance may be abated or remedied, in whole or in part, said judgment shall contain sufficient directions for its proper execution, and the judge shall, from the pleadings and the evidence given at the trial, find and state what proportion of the expense of such execution shall be paid or be borne by each or all of the defendants, jointly or severally; and if, in the opinion of the court, any part of or all of the expense of such execution should be borne by said department of health, or the execution of such judgment should be made by said department or under its direction, said judgment shall contain the appropriate directions in respect to such last-named payment or execution. Said judgment, if against any defendant, shall, on its face, state that it will be a lien on the real property, and corporeal hereditaments of such defendant or defendants respectively, to which the said nuisance shall have related, till his or their proportion of such expenses of execution are satisfied, or the lien thereof shall be otherwise discharged according to law.

Lien of judgment; how removed.

Sec. 1291. Any person prejudicially affected by the lien of any such judgment may, on five days' notice to said department, make a motion before any judge of the court in which said judgment was rendered, for an order that the lien of such judgment be discharged as to all or any specific property set forth; and if it shall appear to such judge, on the hearing of such motion, that such five days' notice of such motion has been given to the board of health, and that such judgment has been executed and the expenses paid which the lien sought to be discharged, was designed to secure; or, if a proper or sufficient undertaking or bond, with sureties, shall be given for the payment of such expenses; or if the board of health, or its counsel shall, in writing, consent to the discharge of the last named lien, as to any or all property referred to, or as to one or more defendants, then said judge may order said lien discharged of record by the proper officer, to the extent and as to the person or persons that the order shall specify; and it shall be so discharged; and such order and the moving papers, shall be filed with the proper clerk, as the judge may direct.

Appeals and stays.

Sec. 1292. No appeal by any party defendant shall stay the execution of any judgment aforesaid, except to the extent, in reference to the persons, and on the conditions the judge who tried the case, or some other judge of the same court, shall, on the settling of the judgment, or on motion, on four day's notice to said department of health, specially order; and if no such order shall be made, the judgment shall be executed, notwithstanding any appeal, undertaking or security, and without any liability on the part of any person by reason of any damages or consequences growing out of the execution of said judgment, whether the same be reversed or not. All appeals by the defendants from any judgment in the said abatement suits shall be taken within thirty days after notice, in writing, to the defendant or his attorney, of the entry of the judgment therein, and the judge who tries the case may, in his discretion, order a stay as to the execution of the judgment, but only for the period of the said thirty days, and within said period of thirty days an undertaking or security on appeal must be filed, of the form and obligation required in ordinary appeals from judgments, but also to be conditioned for the payment of the appellant's adjudged share of the expenses of executing such judgment, or if not estimated in said judgment, as the judge, on application and three days' notice to said department, shall estimate the same, in conformity with the judgment, for the purpose of such security on appeal. But the execution of any judgment against the defendants shall not be delayed beyond thirty days, if within that period the proper undertaking or security on appeal, approved by the judge, has not been filed, and the appeal perfected, as herein provided. The judgment may state the estimated expense that will have to be paid by any party toward executing said judgment; but the board of health may appeal in any such case, or any case to which the health department is a party within thirty days after the entry of any judgment, and without giving any security; such appeal shall be effectual and shall operate as a stay on the part of the judgment in respect to which said department appeals.

Claims for penalty may be joined in abatement suits.

Section. 1293. In any such abatement suit said department may join a cause of action for any penalty or penalties that may have been incurred by either of the defendants, by reason of, or connection with, the nuisance complained of, or by reason of any omission or refusal of any defendant to obey or comply with any ordinance of the sanitary code or any order of the department of health touching such alleged nuisance, and have the proper provision in any judgment therefor against one or more of the defendants.

Judgment of appellate division; what to contain.

Sec. 1294. The judgment of the appellate division, if it shall, to any ex-

tent, direct any change in the judgment appealed from, but shall direct, or allow or fail to forbid the judgment in part to be executed, shall also contain the requisite specific provisions, so that the judgment, as modified, may be executed, and the due proportion of the expenses of such execution may be assessed on the defendants, respectively, or on said department, as the appellate division may adjudge. There may be an appeal from the appellate division to the court of appeals, in such abatement suit, and therein the provision hereof as to appeals from the judgment to the appellate division, and as to the security on appeal, shall in all particulars, including the length of time given in which to take an appeal, apply, except that no undertaking on its appeal is necessary on the part of the department of health, and no change in the code of civil procedure, or otherwise, hereafter to be made, though in subject matter applicable to said abatement suits, shall be construed to modify the aforesaid or other provisions of the health laws as to any suits thereunder, unless such act shall specificially declare such modification to be intended.

Statement of expense of execution.

Sec. 1295. Upon the execution, in whole or in part, of any such judgment, if said department shall, as it is hereby authorized to do, decide the public interest to demand only execution in part thereof, a statement of the expenses of such execution shall be made, and such expenses shall be therein apportioned not contrary to any provisions of said judgment; and upon the same thing verified by the oath of some officer of said department, such statement, entitled in the case, may be filed or given to the proper clerk to be filed, with such judgment; and notice of such filing or delivery, and a copy of such statement shall be given to the attorneys of the defendant in the suit, or to some one of the joint defendants; and unless within ten days after any such notice, in writing, to said department, of a motion, and serve therewith copies of affidavits to correct such statement in particulars to be mentioned, and separately and clearly stated in such affidavit, such statement aforesaid shall be in all suits, and proceedings, and tribunals, and at all times, deemed and taken to be final, conclusive and correct; and no formal defect in such statement shall in any wise vitiate the same. And on any hearing of such motion said department may read affidavits in support of such original statement; and the finding of any judge on the hearing of such motion, as the said statement of such expenses and other matters in such motion involved, or statement contained, shall be final and conclusive, and not subject to appeal; and such finding or statement as modified by such finding when filed, shall be of the same effect as such original statement would have been had no motion in regard thereto been made, and for the purpose of an execution for such expense, and creating a lien under any judgment, such statements and finding or modified statement shall be regarded as a part of said judgment, and the lien thereof shall extend to any amounts stated in such final statement and finding. In so far as any judgment may be directed to be executed at the expense of said department of health, or by any party defendant at his own expense, and shall by such party defendant be so executed, the expense of such execution shall not be stated or embraced in the aforesaid statement or finding of expenses; but if any part of the execution aforesaid, which any party should have borne or paid, shall, by reason of the delay, refusal or defective act or execution of such party, or any other cause, be paid, borne or incurred by said department of health, in and about the execution of such judgment, then the said latter expenses of said department may be embraced in said statement and finding, and collected by execution as aforesaid.

Execution thereupon.

Sec. 1296. For the proportion and amounts as authorized by such judgment, and contained in such finding or in such statement or modified statement, when either of the same shall have become final, as aforesaid, said department shall have execution, on application ex parte, to a judge of the court in which the judgment was recovered, and such execution shall, in due form be allowed by any such judge; such execution to be against any one or more defendants or joint defendants for the recovery of any amount due from such defendant, or defendants, which the party claiming such execution is entitled to receive; and such execution, except as herein specially provided, shall be of the same effect and form as any execution duly issued pursuant to any judgment. But no execution shall be issued against any defendant for less than the whole sum due from such defendant, or for less than he shall be liable to pay in such suit; but any sum adjudged against any defendant or defendants, in any such abatement suit for penalties, costs, or for other cause than the expense of the abatement or remedying of such nuisance, may be collected by separate or other executions, other than those authorized for collecting such expenses, to be issued in due course of law.

Injunction may be granted in abatement suits; requisites.

Sec. 1297. In any abatement suit aforesaid the court or a judge thereof, may issue and enforce an appropriate preliminary injunction, whenever it shall be asked for by the board of health, and there shall appear to such judge to be reasonable cause therefor; and such injunction may also be granted whenever it shall be made to appear to the court or a judge thereof, by affidavit, that such injunction is needed, to prevent any illegal act, conduct, or business aforesaid or its continuance, or to prevent any serious danger to human life or serious detriment to health, or great public inconvenience, touching any matter or thing to which this chapter or the health laws aforesaid relate. And in any such injunctiou order the court may require any building, erection or grouuds to be put in a condition that will not be dangerous to the life or detrimental to the health of any occupant, before the same shall be leased, or rented, or occupied, or before any rent or compensation shall be collected for the rent or use of the whole or any portion of the same. In any such injunction order, and also in any judgment in any abatement suit, the judge or court may require the tenants, lessees and occupants, or either or any of them, of any such building, erection, or grounds, to pay rent thereof, or compensation therefor, due or to grow due to the health department, and said department to collect and receive and apply said rent to the payment of the expenses of putting any said building, erection, or ground in a condition that will not be dangerous to the life or detrimental to the health of any present or future tenant, lessee or occupant, or of any other person; all such collections and payments to be made in such manner, to such extent, and on such conditions as the court shall by order or judgment provide; and every such payment to said department, and the receipt of its treasurer for such rent or compensation, shall be as effectual to protect any person who has made the same, and every such tenant, lessee and occupant, and all his and their rights under any lease or occupation, as if such payment had been made to, and such receipt had been given by the lessor or owner, or any proper claimant of any such rent or compensation, who had, but for such order or judgment, the right and authority to receive the same. But no undertaking or security shall be required or necessary on the part of said department as a condition of granting such injunction, or the same being effectual; and in any final judgment in such suit there may be enjoined whatever, if about to happen or threatened, would be the proper subject matter of a preliminary injunction. And when the public interest seems to the court to require a speedy trial or hearing of any such suit or appeal therein, it shall be the duty of any judge of any court aforesaid, or of the court to whom application by said board may be properly made, to cause such suit or appeal to be advanced and brought to a speedy trial, and before it would otherwise be reached by trial or argument in due course on the calendar, as the judge or court may by special order direct.

Expenses of department of health to be paid out of its funds.

Sec. 1298. Whatever expenses said department of health may lawfully and properly incur in the exccution of any judgment aforesaid, or in executing or in connection with its own orders, made in good faith, or in and about the discharge in good faith of its supposed duties, or in satisfying any liability or judgment it may have in good faith incurred or sustained by reason of its acts done in good faith as aforesaid, or in satisfying any claim against its officers or subordinates arising from their acts in the discharge, in good faith, of their supposed respective duties, shall, so far as established, be paid out of its funds or other moneys appropriated to such purpose or to its use.

Infected and uninhabitable houses to be condemned by board of health.

Sec. 1299. Whenever it shall be certified to the board of health of The City of New York by the sanitary superintendent or an assistant sanitary superintendent that any building or any part thereof in The City of New York is infected with contagious disease, or by reason of want of repair has become dangerous to life or is unfit for human habitation because of defects in drainage, plumbing, ventilation, or the construction of the same, or because of the existence of a nuisance on the premises which is likely to cause sickness among its occupants, the said board of health may issue an order requiring all persons therein to vacate such building or part thereof for the reasons to be stated therein as aforesaid. Said board shall cause said order to be affixed conspicuously in the building or part thereof and to be personally served on the owner, lessee, agent, occupant, or any person having the charge or care thereof; if the owner, lessee or agent can not be found in The City of New York or does not reside therein, or evades or resists service, then said order may be served by depositing a copy thereof in the post office in The City of New York, properly enclosed and addressed to such owner, lessee or agent at his last known place of business and residence, and prepaying the postage thereon; such building or part thereof shall, within ten days after said order shall have been posted and mailed as aforesaid, or within such shorter time, not less than twenty-four hours, as in said order may be specified, be vacated, but said board of health, whenever it shall become satisfied that the danger from said building or part thereof has ceased to exist, or that said building has been repaired so as to be habitable, may revoke said order.

Proceedings for condemnation prescribed.

Sec. 1300. Whenever, in the opinion of the board of health of The City of New York, any building or part thereof in The City of New York, an order to vacate which has been made by said board is, by reason of age, defects in drainage, plumbing, infection with contagious disease, or ventilation, or because of the existence of a nuisance on the premises, which is likely to cause sickness among its occupants, or among the occupants of other property

in The City of New York, or because it stops ventilation in other buildings, or, otherwise makes or conduces to make other buildings adjacent to the same unfit for human habitation, or dangerous or injurious to health, or because it prevents proper measures from being carried into effect for remedying any nuisance injurious to health, or because of other sanitary evils in respect of such other buildings, so unfit for human habitation that the evils in, or caused by said building, can not be remedied by repairs, or in any other way except by the destruction of said building, or of a portion of the same, said board of health may, if it deem such course just and proper, condemn the same and order it removed; provided, however, that the owner or owners of said building may demand a survey of said building in the manner provided for in case of unsafe buildings, and may institute proceedings in the supreme court in The City of New York for the condemnation of said building. Said proceeding shall be instituted through a petition addressed to said court containing a brief statement of the reasons therefor, and shall not be required to contain further allegations of facts than those which have actuated the board of health in this proceeding, which shall then be carried on in the manner prescribed by chapter twenty-one of this act. The owner of said building or any person interested therein may in his answer dispute the necessity of the destruction of said building or part thereof, as the case may be. In such case, the court shall not appoint commissioners unless proof is made of the necessity of such destruction. In such proceeding evidence shall be receivable by the commissioners to prove:

1. That the rental of the building was enhanced by reason of the same being used for illegal purposes, or being so overcrowded as to be dangerous or injurious to the health of the inmates; or

2. That the building is in a state of defective sanitation, or is not in reasonably good repair; or

3. That the building is unfit, and not reasonably capable of being made fit, for human habitation; and, if the commissioners are satisfied by such evidence, then the compensation—

(a) Shall in the first case, so far as it is based on rental, be on the rental of the building, as distinct from the ground rent, which would have been obtainable if the building was occupied for legal purposes, and only by the number of persons whom the building was under all circumstances of the case, fitted to accommodate without such overcrowding as is dangerous or injurious to the health of the inmates; and

(b) Shall in the second case be the amount estimated as the value of the building if it had been put into a sanitary condition, or into reasonably good repair, after deducting the estimated expense of putting it into such condition or repair; and

(c) Shall in the third case be the value of the materials of the building.

For the payment of all awards and the expenses of all such proceedings, the comptroller shall issue and sell from time to time as may be necessary and in the manner hereinbefore provided, corporate stock of The City of New York.

TITLE 7.

LODGING-HOUSES.

Construction generally.

Sec. 1304. Every house, building, or portion thereof, in The City of New York, used, occupied, leased or rented for a lodging-house must conform in its construction, appurtenances and premises to the requirements of this title; and its use and occupation shall be regulated subject to the ordinances of the sanitary code, applicable thereto, and the orders of the board of health duly made, pursuant to its authority, duty and powers conferred and enjoined upon it in this chapter.

Definitions.

Sec. 1305. A lodging house shall be taken to mean and include any house or building, or portion thereof, in which persons are harbored, or received or lodged, for hire for a single night, or for less than a week at one time, or any part of which is let for any person to sleep in, for any term less than a week. A cellar shall be taken to mean and include every basement or lower story of any building or house of which, one-half or more of the height from the floor to the ceiling, is below the level of the street adjoining.

Roofs and stairs and fire-escapes.

Sec. 1306. The roof of every such house shall be kept in good repair, and so as not to leak, and all rain water shall be so drained or conveyed therefrom as to prevent its dripping on to the ground, or causing dampness in the walls, yard, or area. All stairs shall be provided with proper banisters and railings, and shall be kept in good repair. Every such house shall be provided with a proper fire-escape, or means of escape in case of fire, to be approved by the bureau of buildings.

Sleeping-rooms; ventilation.

Sec. 1307. Every house, building or portion thereof in the city designed to be used, occupied, leased or rented, or which is used, occupied, leased or rented for a lodging-house, shall have in every room which is occupied as a sleeping-room, and which does not communicate directly with the external air, a ventilating or transom window, having an opening or area of three square feet, over the door leading into, and connected with the adjoining room, if such adjoining room communicates with the external air, and also a ventilating or transom window of the same opening or area, communicating with the entry or hall of the house, or where this is, from the relative situation of the rooms, impracticable, such last-mentioned ventilating or transom window shall communicate with an adjoining room that itself communicates with the entry or hall. Every such house, or building, shall have in the roof, at the top of the hall, an adequate and proper ventilator, of a form approved by the bureau of buildings.

Water-closets, privies and sinks.

Sec. 1308. Every lodging house shall be provided with as many good and sufficient water closets, improved privy sinks, or other similar receptacles, as the department of health shall require, but in no case shall there be less than one for every fifteen occupants. The water-closets, sinks and receptacles, shall have proper doors, soil pipes, and traps, all of which shall be properly ventilated to prevent the escape of deleterious gas and odors, soil pans, cisterns, pumps and other suitable works and fixtures, necessary to insure the efficient operation, cleansing and flushing thereof. Every lodging house situated upon a lot on a street or avenue in which there is a sewer, shall have a separate and proper connection with the sewer; and the water-closets, sinks and other receptacles shall be properly connected with the sewer by proper pipes made thoroughly air tight. Such sewer connection, and all the drainage and plumbing work, water-closets, sinks and other receptacles, in and for every lodging house shall be of the form, construction or arrangement, location, materials, workmanship and description as may be required by the rules and regulations of the bureau of buildings of The City of New York. Every owner, lessee and occupant shall take adequate measures to prevent improper substances from entering such water-closets, or sinks or their connections and to secure the prompt removal of any improper substances that may enter them so that no accumulation shall take place and so as to prevent any exhalations therefrom, offensive, dangerous and prejudicial to life or health, and so as to prevent the same from being or becoming obstructed. No privy, vault or cess-pool shall be allowed in, under or connected with any such house except when it is unavoidable and a permit therefor shall have been granted by the department of health and in such case it shall be constructed in such situation and in such manner as the bureau of buildings may direct. It shall in all cases be water-tight and arched or securely covered over and no offensive smell or gases shall be allowed to escape therefrom or from any closet, sink or privy. In all cases where a sewer exists in the street or avenue, upon which the house or building stands, the yard or area shall be connected with the sewer, so that all water from the roof or otherwise and all liquid filth shall pass freely into the sewer. Where there is no sewer in the street or avenue, or adjacent thereto, with which connection can be made, the yard and area shall be so graded that all water from the roof or otherwise, and all filth shall flow freely therefrom into the street gutter by a passage beneath the sidewalk, which passage shall be covered by a permanent cover, so arranged as to permit access to remove obstructions or impurities.

Cellars and basements not to be occupied for living purposes, except in certain cases.

Sec. 1309. It shall not be lawful, without a permit from the bureau of buildings, to construct, during the erection of a lodging-house, nor after the completion of such lodging house, any room or rooms in any basement or cellar to be occupied wholly or in part as a dwelling, nor shall it be lawful without a permit from the department of health to let, occupy, or suffer to be occupied separately as a dwelling, any vault, cellar, or underground room, built or rebuilt after July first, eighteen hundred and sixty-seven, or which shall have not been so let or occupied before said date.

Cellars and vaults not to be used for sleeping-rooms.

Sec. 1310. No vault, cellar, or underground room shall be occupied as a place of lodging or sleeping, except the same shall be approved, in writing, and a permit given therefor by the board of health. No wall paper shall be placed upon a wall or ceiling of any lodging-house, unless all wall paper shall be first removed therefrom, and said wall and ceiling thoroughly cleansed. Every lodging-house, and every part thereof, shall be kept clean and free from any accumulations of dirt, filth, garbage or other matter in or on the same, or in the yard, court, passage, area or alley connected with it, or belonging to the same. The owner or keeper of any lodging-house, shall thoroughly cleanse all the rooms, passages, stairs, floors, windows, doors, walls, ceilings, privies, cesspools and drains of the house or part of the house of which he is the owner or lessee, to the satisfaction of the department of health, so often as he shall be required by or in accordance with any order of the board of health and any regulation or ordinance of said department, and shall well and sufficiently, to the satisfaction of the said health department, whitewash the walls and ceilings thereof once at least in every year.

Certain occupations and business prohibited.

Sec. 1311. Every lodging-house shall have the proper and suitable conveniences or receptacles for receiving garbage and other refuse matters. No lodging-house or premises, nor any portion thereof, shall be used as a place of storage for any combustible article, or any article dangerous to life or detrimental to health; nor shall any horse, cow, calf, swine, pig, sheep or goat be kept in said house or on the premises thereof.

Owners' names to be registered in department of health.

Sec. 1312. Every owner of a lodging-house and every person having control of

a lodging-house, shall file in the department of health, a notice containing his name and address, and also a description of the property, by street number or otherwise, as the case may be, in such manner as will enable the department of health easily to find the same. In case of a transfer of any lodging-house, it shall be the duty of the grantor and grantee of said lodging-house to file in the department of health a notice of such transfer, stating the name of the new owner, within thirty days after such transfer. In case of the devolution of said property by will, it shall be the duty of the executors and of the devisee, if more than twenty-one years of age, and in case of the devolution of such property by inheritance without a will, it shall be the duty of the heirs, or in case all of the heirs are under age, it shall be the duty of the guardians of such heirs, and in case said heirs have no guardians, it shall be the duty of the administrator of the deceased owner of said property to file in said department a notice, stating the death of the deceased owner, and the names of those who have succeeded to his interest in said property, within thirty days after the death of said decedent, in case he died intestate, and within thirty days after the probate of his will, if he died testate. A failure to file such notice shall make said property, and the owners thereof, liable to a penalty of not less than ten dollars nor more than fifty dollars. Said penalty may be recovered in an action brought by the health department, as provided in this act. Every person claiming to have an interest in any lodging-house may file his name and address in the department of health. All notices and orders of the department of health required by law to be served in relation to a lodging-house, shall be served by posting in some conspicuous place in the house a copy of the notice or order, five days before the time for doing the thing in relation to which said notice or order was issued. The posting of a copy of an order or notice, in accordance with this section, shall be sufficient service upon the owner of the property affected. It shall be the duty of the department of health to cause a copy of every such notice or order to be mailed, on the same day that it is posted in the house, addressed to the name and address of each person who has filed with the department of health the notice provided for in this section.

Inspection twice a year; officers to have access.

Sec. 1313. It shall be the duty of the board of health to cause a careful inspection to be made of every lodging-house at least twice in each year. And whenever the board of health has made any order concerning a lodging-house it shall cause a reinspection to be made of the same within six days after it has been informed that the order has been served. The keeper of any lodging-house and the owner, agent of the owner, lessee or occupant of any tenement house, and every other person having the care and management thereof, shall, at all times, when required by any officer of the department of health, or by any officer upon whom any duty is conferred by this title, give him free access to such house and to every part thereof. The owner or keeper of any lodging-house, and the owner, agent of the owner and the lessee of any tenement house or part thereof, shall whenever any person in such house is sick of fever, or of any infectious, pestilential or contagious disease, and information thereof has been given to such owner, keeper, agent or lessee, give immediate notice thereof to the board of health, or to some officer of the same, and thereupon said board shall cause the same to be immediately cleansed or disinfected, at the expense of the owner, in such manner as it may deem necessary and effectual, and it may also cause the blankets, bedding and bedclothes used by any such sick persons to be thoroughly cleansed, scoured and fumigated, or, in extreme cases, to be destroyed.

Houses hereafter erected to comply with additional requirements.

Sec. 1314. No house hereafter erected shall be used as a lodging-house, and no house heretofore erected and not now used for such purposes, shall be converted into, used, or leased for a lodging-house, unless, in addition to the requirements hereinbefore contained, it conforms to requirements contained in the following sections of this title:

Construction of lodging-houses and spaces prescribed for building the same.

Sec. 1315. It shall not be lawful, without a permit from the bureau of buildings, to alter, erect or convert to the purposes of a lodging house, a building on any lot where there is another building on the same lot; nor shall it be lawful to build or to erect any building on any lot whereon there is already a lodging house, unless there is a clear open space exclusively belonging thereto, and extending upward from the ground of at least ten feet between said buildings if they are one story high above the level of the ground; if they are two stories high, the distance between them shall not be less than fifteen feet; if they are three stories high, the distance shall not be less than twenty feet; if they are more than three stories high, the distance between them shall not be less than twenty-five feet, but when thorough ventilation of such open spaces can be otherwise secured, such distances may be lessened or modified in special cases by a permit from the bureau of buildings. At the rear of every building hereafter erected for or converted to the purposes of a lodging house on any lot, there shall be and remain a clear space of not less than ten feet between it and the rear end of the lot. No one continuous building hereafter constructed shall be built or converted to the purposes of a lodging house in The City of New York, upon an ordinary city lot, and no existing lodging house shall be enlarged or altered, or its lot be diminished, so that it shall occupy more than sixty-five per centum of the area of said lot, but where the light and ventilation of such lodging house are, in the opinion of the superintendent of buildings, materially improved, he may permit such tenement or lodging house to occupy an area not exceeding seventy-five per centum of the said lot, and in the same proportion if the lot be greater or less in size than twenty-five by one hundred feet; but this provision shall not apply to corner lots, in which, however, no such building hereafter constructed, above the first story, shall occupy more than ninety-two per centum of the area of a lot, and no such building shall come within five feet of the rear of said lot, provided, further, that in all cases, both for corner and interior lots, the interior courts or shafts shall not be less than two feet four inches wide at their narrowest parts. In computing the amount of the lot covered by a building, any shaft or court of less than twenty-five square feet in area shall be considered as part of the building and not as part of the free air space. No shaft or court, over ten square feet in area, hereafter constructed in a lodging house, except elevator shafts or staircase wells, shall be covered with a roof, skylight or otherwise. The light and ventilation of all buildings hereafter erected for, or converted to the purpose of lodging houses, must be provided in accordance with the requirements of this title, and the conditions of a plan and permit previously approved in writing by the bureau of buildings, and no existing lodging house shall be enlarged or altered or its lot diminished without a similar permit. The bureau of buildings is hereby empowered and directed to make rules and regulations not inconsistent with the requirements of this title, and which, in addition to the requirements of this title, shall be the conditions of approval of the plans and permits; the rules and regulations shall govern the arrangement and distribution of the uncovered area, size, lighting, location and arrangement of shafts, rooms, cellars and halls. In case of any violation of the provisions of this section, or of any failure to comply with, or of any violation of the terms and conditions of the plan for such lodging house approved by the bureau of buildings, or of the conditions of the permits granted as hereinbefore provided, or for the air, light and ventilation of the said house, or premises, any court of record, or any judge or justice thereof shall have power at any time after service of notice of violation, or of non-compliance, upon the owner, builder or other person superintending the building or converting any such house, upon proof by affidavit of any violation or non-compliance as aforesaid, or that a plan for light and ventilation of such house has not been approved by the bureau of buildings, to restrain by injunction order, in any action by the bureau of buildings, or by the board of health, the further progress of any violation as aforesaid. No undertaking shall be required as a condition of granting an injunction, or by reason thereof.

Dimensions and ventilation of rooms.

Sec. 1316. In every such house hereafter erected or converted every habitable room, except rooms in the attic, shall be in every part not less than eight feet in height from the floor to the ceiling; and every habitable room in the attic of any such building shall be at least eight feet in height from the floor to the ceiling, throughout not less than one-half the area of such room. Every such room shall have at least one window connecting with the external air, or over the door a ventilator of perfect struction, connecting it with a room or hall which has a connection with the external air, and so arranged as to produce a cross-current of air. The total area of window or windows in every room communicating with the external air shall be at least one-tenth of the superficial area of every such room; and the top of one, at least, of such windows shall not be less than seven feet six inches above the floor, and the upper half, at least, shall be made so as to open the full width. Every habitable room of a less area than one hundred superficial feet, if it does not communicate directly with the external air, and is without an open fireplace, shall be provided with special means of ventilation, by a separate air shaft extending to the roof, or otherwise, as the board of health may prescribe.

Penalties for violations of provisions.

Sec. 1317. Every owner or other person violating any provision of this title shall be guilty of a misdemeanor, punishable by a fine of not less than ten dollars or more than one hundred dollars, or by imprisonment for not more than ten days for each and every day that such violation shall continue, or by both such fine and imprisonment, in the discretion of the court. He shall also be liable to pay a penalty of ten dollars for each day that such offense shall continue. Such penalty may be sued for and recovered by the department of health in any civil tribunal of said city, and when recovered shall be paid over to the chamberlain. In every proceeding for a violation of this title, and in every such action for a penalty, it shall be the duty of the owner of the house to prove the date of its erection, or conversion to its existing use, if that fact shall become material, and the owner shall be, prima facie, the person liable to pay such penalty, and after him the person who is the lessee of the whole house in preference to the

tenant or lessee of a part thereof. In any such action the owner, lessee, and occupant, or any two of them, may be made defendants, and judgment may be given against the one or more shown to be liable, as if he or they were sole defendant or defendants. No part of chapter two hundred and seventy-five of the laws of eighteen hundred and ninety-two, or of any other act shall be so construed as to abrogate or impair the power of the department of health to sue for and recover such a penalty whether the liability to pay said penalty shall arise from a violation of the laws, or ordinances or sections of the sanitary code, in regard to light, ventilation, plumbing and drainage, so far as the same affects the sanitary condition of the premises; and except that the bureau of buildings shall have jurisdiction and cognizance over all matters and things in this title contained which relate to the construction or alteration of buildings or structures, or any part thereof, and as to light, ventilation, drainage and plumbing of such buildings when in process of construction or alteration. Any penalty hercin above mentioned for a violation of the provisions of this title, in respect to the matter aforesaid, within the jurisdiction and cognizance of the bureau of buildings, shall be sued for and recovered in the same manner as the violations of the building laws of The City of New York are now sued for and recovered by the bureau of buildings, and said penalty so collected shall be paid to the chamberlain of The City of New York to be applied as other penalties collected by said department are applied.

Power of bureau of buildings and of board of health to make other regulations relative to lodging-houses.

Sec. 1318. The bureau of buildings shall have authority to make other regulations as to light and ventilation of all new lodging-houses consistent with the foregoing, when it shall be satisfied that such regulations will secure equally well the health and safety of the occupants; likewise the board of health shall have authority to make other regulations as to cellars and as to ventilation in completed lodging-houses, consistent with the foregoing, where it shall be satisfied that such regulations will secure equally well the health of the occupants. The board of health shall have power to appoint all the officers and agents of the department of health, of whatever name or character soever, and shall have exclusive charge and control of, and the exercise of, all the rights, powers, duties and privileges of said department, and for this purpose the terms "board of health" and "department of health," as used in this chapter, shall be deemed synonymous.

TITLE 8.

THE HEALTH DEPARTMENT PENSION FUND.

Board of trustees of health department pension fund.

Sec. 1319. The board of health of the health department of The City of New York is hereby constituted, and shall be a board of trustees of the health department pension fund heretofore, and herein, authorized and provided for. The members of said board of health shall annually choose one of their number to be chairman of the board of trustees of the health department pension fund, and shall from time to time elect a secretary. Immediately upon organization, said board of trustees shall receive and have charge of the pension fund, or funds heretofore authorized, and in existence in any health department, municipality or county, forming a part of The City of New York, provided for officers, physicians, and employes in the health department service, and such board of trustees shall have charge of, and administer the pension fund authorized and provided for herein. From time to time the said board of trustees shall invest the said pension fund or any part thereof, as it shall deem most beneficial to the fund. Said board is empowered to make all necessary contracts and take all necessary and proper actions and proceedings in the premises, and to make payment from said fund of pensions granted in pursuance of this act. The said trustees shall, from time to time, establish such rules and regulations for the administration of the said fund as they may deem best. They shall report in detail to the mayor of The City of New York annually in the month of January, the condition of said fund and the items of their receipts and disbursements on account of the same. No payments whatever shall be allowed to, or made by, such trustees as reward, gratuity or compensation to any person for salary or services rendered to, or for, said board of trustees.

What moneys shall be included in pension fund.

Sec. 1320. The health department pension fund shall consist of:

1. All moneys collected from fines and penalties for violation of the sanitary code or health laws in the city of New York.

2. A sum of money equal to but not greater than one per centum of the monthly pay, salary or compensation of each physician or employee of the health department, which sum shall be deducted monthly by the comptroller from the pay, salary or compensation of each physician or employee of the health department, and the said comptroller is hereby authorized, empowered and directed to deduct said sum of money as aforesaid, and forthwith to pay the same to the chairman of the board of trustees of the health department pension fund. And no physician or employee shall be entitled to the provisions of the said pension fund unless he immediately files with the board of health and the said comptroller a notice that he intends to take advantage of said pension law, and a consent that such deduction as aforesaid shall be made; and any physician or employee hereafter entering the service of the said department of health shall within six months thereafter file such notice and consent or he shall not be entitled to the benefits of any of the provisions of this act.

3. All said moneys, including the fines and penalties directed in section twelve hundred and twenty-two of this act, to be paid to the comptroller shall, within thirty days after collection of payment, be paid over by the department, officers, clerks, magistrates and courts receiving and collecting the same to the said board of trustees of the health department pension fund.—As amended by Laws 1907, Chapter 373.

Pension for physician or employe disabled by reason of performance of duty.

Sec. 1321. The board of trustees of said fund shall have power to grant as pension to any physician or employe in the health department of The City of New York, who shall, as a consequence of the actual performance of his duty, and without any fault or misconduct on his part, have become permanently disabled physically or mentally, so as to be unfit to perform full duty, a sum not to exceed one-half, nor less than one-fourth of his rate of compensation per annum as such physician or employe, as the case may be.

Pensions to personal representatives of physician or employe who shall die from disease or injuries suffered in consequence of his performance of duty.

Sec. 1322. Whenever such physician or employee shall die while in the service of the health department from disease contracted or injury sustained by him as a consequence of the actual performance of his duties, without any fault or misconduct on his part, leaving a widow, or a dependent widowed mother, the said board of trustees of said pension fund may grant, award or pay to the widow or dependent widowed mother, as the case may be, of said physician or employee, the sum of three hundred dollars annually during her life, so long as she remains a widow; and if there be no widow of any such physician or employee, but he shall leave minor children under eighteen surviving him, then said three hundred dollars may be given, awarded and paid to said children under eighteen years of age.—As amended by Laws 1907, Chapter 644.

Certificate required in certain cases.

Sec. 1323. No physician or employe, as aforesaid, of the health department, shall be awarded, granted or paid a pension on account of physical or mental disability or disease, unless upon certificate and report of a board of physicians, to be appointed by the board of health, which shall set forth the cause, nature and extent of the disability, disease or injury of such physician or employe, who may be placed on the pension roll, and such certificate shall distinctly state whether or not such disability, disease or injury was incurred or sustained by such physician or employe while in the performance of his duties as such physician or employe of the health department, and such certificate shall, in such case, be filed with, and entered upon the minutes of the board of health.

Pension for twenty years' service.

Sec. 1323-a. Any physician or employee who has or shall have performed duty as such physician or employee in any department of health in The City of New York, for a period of twenty years, or upward, upon his own application in writing, or upon a certificate and report of a board of physicians, appointed by the board of health, certifying that such physician or employee is permanently disabled, so as to be unfit for further duty as such physician or employee, shall be retired from active service by resolution of the board of health of the health department of The City of New York, and placed upon the health department pension roll, and thereupon shall be awarded, granted and paid from said said health department pension fund by the trustees thereof an annual sum during his lifetime not exceeding one-half the ordinary full pay of a physician or employee in the health department service of the rank of the physician or employee so retired. Pensions granted under this section shall be for the natural life of the person receiving the same, and shall not be revoked, repealed or diminished. In determining the term of service of any such physician or employee, under this section, service in former health departments or board of health having jurisdiction in matters of public health in any part of The City of New York, as constituted by this act, shall be counted and held to be service in the department of health of The City of New York.—As amended by Laws 1907, Chapter 373.

Order of discontinuance of pension in certain cases.

Sec. 1324. The board of health may, in its discretion, order any pension granted or any part thereof to cease, except as provided in the last preceding section, but in all such cases the said board of health shall file with the board of trustees of the health department pension fund, a written statement of the causes determining the action of the said board of health in ordering any pension to so cease; and nothing in this act or in any other act, shall render the granting or payment of such pension obligatory on the board of health, or upon the trustees of the health department pension fund, or chargeable as a matter of right

upon said fund, except as provided in the last preceding section.

This chapter a remedial statute; construction.

Section 1325. This chapter is hereby declared to be a remedial statute and is to be construed liberally to secure the beneficial interests and purposes thereof. Nothing herein contained shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liability incurred, or any cause or causes of action accrued or existing, whether for a penalty or otherwise, under any act repealed or amended by this act. Wherever the bureau of buildings is referred to in this chapter the provisions relating thereto shall be held to apply to such bureau as established by the president of any borough within the borough, or to said president of a borough when no such bureau has been established by him. All acts and parts of acts in conflict with this chapter or any part thereof are hereby repealed.

CHAPTER XIXa.

TENEMENT HOUSE DEPARTMENT.

Title 1. Organization of department; officers and employes.
2. Powers and duties of department.
3. Records and reports; miscellaneous provisions.

TITLE 1.

ORGANIZATION OF DEPARTMENT; BUREAUS; OFFICERS AND EMPLOYES.

Department created; tenement house commissioner.

Sec. 1326. The head of the tenement house department shall be called the tenement house commissioner He shall be appointed by the mayor, and shall hold office as provided in chapter four of this act. His salary shall be seven thousand five hundred dollars a year.

Deputy commissioner.

Sec. 1327. The commissioner shall have power to appoint and in his discretion to remove not more than two deputies, to be known as first deputy and second deputy, and shall define their duties. The first deputy shall during the absence or disability of the commissioner possess all the powers and perform all the duties of the commissioner except the power of making appointments. In the absence or disability of both the commissioner and the first deputy, the second deputy shall possess all the powers and perform all the duties of the commissioner, except the power of making appointments

The salaries of such deputies shall be four thousand dollars a year each.

Bureaus; divisions of department for Brooklyn, Queens and Richmond.

Sec. 1328. There shall be in the tenement house department (1) a new building bureau; (2) an inspection bureau; (3) a bureau of records; and such other bureaus as the commissioner may deem necessary.

A separate division of the department may be established in the borough of Brooklyn, with jurisdiction over tenement houses in the borough of Brooklyn, and also in the discretion of the commissioner over tenement houses in the boroughs of Queens or Richmond, or both. The commissioner may designate the deputy commissioner or some other officer of the department as the executive head of such division, who shall perform such duties and possess such powers as may be delegated to him by the commissioner. A branch of each of the bureaus above specified may be established in such division.

Officers and employes.

Sec. 1329. The tenement house commissioner within the limits of his appropriation, shall have power to appoint and remove, subject to the requirements of the civil service laws, such subordinate officers, assistants and employes as may be necessary for the efficient performance of his duties as said commissioner.

In the new building bureau there shall be not less than three plan examiners and not less than sixteen inspectors of light and ventilation. In the inspection bureau there shall be not less than one hundred and ninety inspectors, including such persons as may be detailed by the police commissioner for service in the tenement house department. The commissioner shall appoint a chief inspector and deputy chief inspector over such bureau. In the other bureaus there shall be such registrars, clerks and employes as are necessary to perform the duties thereof.

All such officers and employes shall be subject to the supervision and control of the commissioner, and shall perform such duties as are assigned by him. Such commissioner may make regulations governing each such bureau, and branch thereof, not inconsistent with law.

Duties of bureaus.

Sec. 1330. The new building bureau shall file, record and examine plans and specifications for the light and ventilation of tenement houses hereafter altered or erected, and of buildings to be altered or reconstructed for use as tenement houses. It shall inspect all such houses and buildings in the course of construction or alteration, and record all violations of the tenement house act in respect thereto.

The inspection bureau shall inspect all completed tenement houses, and record all violations of the tenement house laws and ordinances. The commissioner shall prescribe the duties of the inspectors connected with such bureau, and may assign them to such part of the city as he may deem best.

The bureau of records shall contain records of every tenement house in the city, to be kept in the manner and form prescribed by the commissioner.

Such other bureaus as may be organized by the commissioner shall perform the duties prescribed by him, and he may assign thereto such employes as may be necessary.

Offices and expenses.

Sec. 1331. The commissioner may provide offices for the use of the department, its bureaus and the branches thereof. Such commissioner may, subject to the other provisions of this act, make such incidental and additional expenditures, having due regard to economy, as the purposes and provisions of this chapter may require. Any employe, for any neglect of duty, or omission to properly perform his duty, for violation of, or neglect or disobedience of orders, or incapacity, or absence without leave, may be punished by the commissioner, by forfeiting and withholding pay for a specified time, or by suspension from duty with or without pay; but this provision shall not be deemed to abridge the right of said commissioner to remove or dismiss any inspector or other subordinate from the service of the department at any time in his discretion.—As amended by Laws of 1903, Chapter 439.

Seal.

Sec. 1332. The commissioner may design and adopt a seal for the department, and cause the same to be used in the authentication of the orders and proceedings of the department and for such other purposes as he may prescribe. The courts shall take judicial notice of such seal, and of the signature of the commissioner and deputy commissioner of such department.

Annual report.

Sec. 1333. The commissioner shall make an annual report at some time prior to the first day of March of each year to the mayor of The City of New York of all the operations of his department for the year ending on the preceding thirty-first day of December. Such report shall, if ordered by the mayor, be published in the City Record, and shall also be published in book form for public information. The mayor may, at any time, call for a fuller report, or for a report upon any portion of the work of said department, whenever he deems it for the public good so to do.

Publication of statistics and other data.

Sec. 1334. The commissioner may provide for the publicity of the papers, files, reports, records and the proceedings of his department, whenever he deems it necessary for the public good and public service. There shall be kept in such department statistics of all tenement houses which shall be contained in the annual report of such department.

Uniforms and badges.

Sec. 1335. The commissioner may provide or designate a suitable uniform to be worn by inspectors. He may also provide a badge of metal, with a suitable inscription thereon, and require it to be worn by the inspectors and officers of the department.

Reports of inspectors.

Sec. 1336. Each of such inspectors shall report in writing, at least once in each week, to the commissioner. The form, manner and scope of such reports shall be prescribed by the commissioner. Such reports shall be filed in the department.

Proofs, affidavits and oaths.

Sec. 1337. Proofs, affidavits and examinations as to any matter arising in connection with the performance of any of the duties of the tenement house department may be taken by or before the tenement house commissioner, or his deputy, or such other person as he may designate; and such commissioner, deputy or other person may administer oaths in connection therewith.

Complaint book.

Sec. 1338. The commissioner shall cause to be kept in his department a general complaint book, or several such books, in which may be entered by any person any complaint in reference to tenement houses, with the name and residence of the complainant, the name of the person complained of, the date of the entry of the complaint and suggestions of any proper remedy. Such book shall be open to public examination during the office hours of the department, subject to such regulations as the commissioner may prescribe. The tenement house commissioner shall cause the facts in regard to all complaints to be investigated.

Attorneys.

Sec. 1339. The corporation counsel shall assign to such department such assistant counsel as may be needful, in the manner provided by chapter seven of this act.

TITLE 2.

POWERS AND DUTIES OF DEPARTMENT.

General powers and duties.

Sec. 1340. All the rights and powers possessed by the health department of The City of New York with respect to the sanitary inspection of tenement houses are hereby conferred upon the tenement house department; and the tenement house department is hereby charged with the duty of enforcing all the provisions of the tenement house act. The names of owners, lessees and agents, and persons having control of tenement houses shall be filed in, and the taxpayers' requests that the institution of an action for a lien upon a tenement house shall be presented to the tenement house department instead of to the department of health. Nothing herein

contained shall abrogate or impair the existing powers of the department of health of The City of New York. The tenement house department shall have the powers and shall perform the duties specified in this chapter.—As amended by Laws of 1903, Chapter 439.

Transfer of powers of other departments.

Sec. 1341. Such rights, powers and duties as are now possessed by the fire department and police department of the city of New York with respect to the prevention of incumbrance or obstruction of fire escapes on tenement houses are hereby transferred to and conferred upon the tenement house department. All rights, powers and duties now possessed by the bureaus of buildings and the department of health of the city of New York with respect to the light and ventilation of tenement houses, and with respect to the equipment of completed tenement houses with fire escapes, are transferred to and conferred upon the tenement house department. All rights, powers and duties now possessed by the department of health of the city of New York with respect to the construction of and structural changes in bakeries and confectioneries in tenement houses are transferred to and conferred upon the tenement house department.

Nothing in this act contained shall be construed to abridge, restrict or diminish the jurisdiction or powers of the tenement house department as they existed prior to January first, nineteen hundred and sixteen.

Sec. 15. No right or remedy of any character shall be lost or impaired or affected by reason of this act.

The provisions of this act shall not affect or impair any act done or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time this act takes effect, but the same may be asserted, enforced, prosecuted or inflicted as fully and to the same extent as if this act had not been enacted.

All actions and proceedings, civil or criminal, commenced under or by virtue of statute, ordinance, rule or regulation creating and conferring powers or imposing duties transferred by this act or for the enforcement of statutes, ordinances, rules and regulations in relation thereto, may be prosecuted and defended to final effect by and in the name of the city of New York. Any investigations or examinations undertaken, commenced or instituted by a department, commission, board, body or officer of the city, or the state labor department, in relation to a matter or subject jurisdiction whereof is by this act transferred to or conferred on another department, commission, board, body or officer may be conducted or continued to a final determination as heretofore provided by law. An order of a city department commission, board, body or officer in the state labor department, in relation to a matter or subject, jurisdiction whereof is conferred by this title on a department, commission, board, body or officer of the city of New York is continued in full force and effect, notwithstanding the enactment of this act and may be enforced by such department, commission, board, body or officer of said city; but the procedure for such enforcement shall be pursuant to the provisions of *tris act.

Any action heretofore taken by the department of labor of the state whereby after alterations or structural changes were made in any building in the city, such building was accepted as complying with the provisions of the labor law or of the industrial code, shall be accepted, and be binding upon, the fire commissioner, the superintendents of buildings, the board of standards and appeals and the board of appeals.

Sec. 16. The board of estimate and apportionment may transfer employees and officers of any state or city department affected by this act to any other department in such manner as may be deemed by such board of estimate and apportionment necessary to carry into effect the provisions of this act.

Sec. 17. When existing rights, powers, duties or functions of a department, bureau, officer or employee of the city are, by or under the authority of this act, conferred or imposed upon or transferred to another department, bureau, officer or employee of the city, the board of estimate and apportionment shall designate and direct the transfer accordingly of all funds, property, records, books, papers and documents which it shall deem necessary for that purpose and the same shall thereupon be transferred and delivered as so directed. All unexpended appropriations made for the exercise of rights, powers, duties and functions so transferred may be apportioned and transferred, in whole or in part, by the board of estimate and apportionment in its discretion.

Sec. 18. The department of labor shall transfer to the fire commissioner certified copies of all records in its office relating to the construction, alteration of and exits from buildings in the city of New York.—As amended by Laws of 1916, Chap. 503.

*So in original.

Infected and uninhabitable houses to be vacated by department.

Sec. 1341-a. Whenever it shall be certified by an inspector or officer of the department that a tenement house, or any part thereof, is infected with contagious disease, or that it is unfit for human habitation or dangerous to life or health by reason of want of repair, or of defects in the drainage, plumbing, ventilation, or the construction of the same, or by reason of the existence on the premises of a nuisance likely to cause sickness among the occupants of said house, the department may issue an order requiring all persons therein to vacate such house, or part thereof, within not less than twenty-four hours nor more than ten days for the reasons to be mentioned in said order. This order may be served in the manner prescribed in the tenement house act. In case such order is not complied with within the time specified, the department may cause said tenement house, or part thereof, to be vacated. The department whenever it is satisfied that the danger from said house, or part thereof, has ceased to exist, or that it is fit for human habitation, may revoke said order, or may extend the time within which to comply with the same.—Added by Laws of 1903, Chapter 439.

Repairs to buildings, etc.

Sec. 1341-b. Whenever any tenement house, or any building, structure, excavation, business pursuit, matter or thing, in or about a tenement house or the lot on which it is situated, or the plumbing, sewerage, drainage, light or ventilation thereof is in the opinion of the department in a condition or in effect dangerous or detrimental to life or health, the department may declare that the same, to the extent it may specify, is a public nuisance, and may order the same to be removed, abated, suspended, altered or otherwise improved or purified, as the order shall specify. The department may order or cause any tenement house, or part thereof, or any excavation, building, structure, sewer, plumbing, pipe, passage, premises, ground, matter or thing, in or about a tenement house, or the lot on which it is situated, to be purified, cleansed, disinfected, removed, altered, repaired or improved. Any order of the department may be served in the manner provided in the tenement house act. If any order of the department is not complied with, or so far complied with as the department may regard as reasonable, within five days after the service thereof, or within such shorter time as the department may designate, then such order may be executed by said department through its officers, agents, employes or contractors. Every person who shall violate or assist in the violation of any requirement of any notice or order of the department shall be guilty of a misdemeanor, and shall in addition to the punishment therefor be subject to a civil penalty of two hundred and fifty dollars, to be sued for and recovered in any civil tribunal in the city. The department may also in any action or proceeding, or after issuing any order or notice, file a notice of lis pendens to have the effect provided in the code of civil procedure. Neither said department nor any officer thereof, nor The City of New York, shall be liable for costs in any such action or proceeding. The powers conferred upon the department by this section and the preceding section shall be in addition to the powers already conferred upon said department and shall not be construed as limiting them in any way.—Added by laws of 1903, Chapter 439.

Approval of plans and specifications for light and ventilation.

Sec. 1342. Before the construction or alteration of a tenement house, or the alteration or conversion of a building for use as a tenement house, is commenced, the owner, or his agent or architect, shall submit to the tenement house department a detailed statement in writing, verified by the person making the same, of the specifications for the light and ventilation of such tenement house or building, upon a blank or form to be furnished by such department, and also a full and complete copy of the plans of such work. Such statement shall give in full the name and residence, by street and number, of the owner or owners of such tenement house or building. If such construction, alteration, or conversion, is proposed to be made by any other person than the owner of the land in fee, such statement shall contain the full name and residence, by street and number, not only of the owner of the land, but of every person interested in such tenement house, either as owner, lessee or in any representative capacity. The statements herein provided for may be made by the owner, or the person who proposes to make the construction, alteration or conversion, or by his agent or architect. No person, however, shall be recognized as the agent of the owner, unless he shall file with the tenement house department a written instrument, signed by such owner, designating him as such agent. Such specifications, plans and statements shall be filed in the office of the tenement house department and shall be deemed public records, but no such specifications, plans or statements shall be removed from said department.

The commissioner shall cause all such plans and specifications to be examined. If such plans and specifications conform to the provisions of the tenement house act, they shall be approved by such commissioner, and a written certificate to that effect shall be issued to the person submitting the same. The commissioner may, from time to time, approve changes in any plans and specifications previously approved by him, provided the plans and specifications when so changed shall be in conformity with law.

The construction, alteration or conversion of such tenement house or building, or any part thereof, shall not be commenced until the filing of such specifications, plans and statements, and the approval thereof by the tenement house commissioner, as above provided.

No permit shall be granted and no plan approved by the bureau of buildings of any borough of The City of New York for the construction or alteration of a tenement house, or for the alteration or conversion of any building for use as a tenement house, until there has been filed in such bureau of buildings a certificate of the tenement house commissioner, issued as above provided.

Inspection of tenement houses in course of construction.

Sec. 1343. The commissioner shall cause an inspection and examination to be made of all tenement houses in the course of construction or alteration, and also of all buildings in course of alteration or conversion for use as tenement houses, for the purpose of ascertaining whether such tenement houses or buildings are being constructed altered and converted in conformity with the law, and the plans and specifications on file in the office of the department, and approved by the commissioner.

Certificate to owner of tenement house hereafter erected or altered.

Sec. 1344. No building hereafter constructed as or altered into a tenement house shall be occupied in whole or in part for human habitation, until the issuance of a certificate by the tenement house commissioner that said building conforms in all respects to the provisions of the tenement house act. Such certificate shall be issued within ten days after written application therefor, if said building at the date of such application shall be entitled thereto. If any building hereafter constructed as or altered into a tenement house be occupied in whole or in part for human habitation without such certificate, during such unlawful occupation any bond or note secured by a mortgage upon said building, or the lot upon which it stands, may be declared

due at the option of the mortgagee. No rent shall be recoverable by the owner or lessee of such premises for said period, and no action or special proceeding shall be maintained therefor, or for possession of said premises for non-payment of such rent. The department of water supply shall not permit water to be furnished in any such tenement house, and said premises shall be deemed unfit for human habitation, and the tenement house commissioner shall cause them to be vacated accordingly.—As amended by Laws of 1903, Chapter 439.

Inspection of completed tenement houses.

Sec. 1344-a. Except as hereinafter otherwise provided, the tenement house commissioner shall cause an inspection of every completed tenement house in the city to be made at least once in each month. Such inspection shall include examination of cellars, halls, water-closets, privies, plumbing, yards, areas, fire escapes, roofs, shafts, courts, tanks and all other parts of such tenement houses and the premises connected therewith. In tenement houses where the average rental of the apartments therein is twenty-five dollars a month or more, such inspection may be made less often than once a month, as above provided, in the discretion of the tenement house commissioner. The tenement house commissioner shall prescribe the manner in which such inspection shall be made.

The inspectors shall immediately report to the tenement house department all violations of the tenement house act, and the tenement house commissioner shall issue such orders as he may deem necessary requiring the removal of the defect or the cessation of the act which is in violation of such law.

Injunction, when to be granted against the department.

Sec. 1344-b. No preliminary injunction shall be granted against the tenement house department or its officers except by the supreme court, at a special term thereof, after service of at least five days' notice of the motion for such injunction, together with copies of the papers upon which the motion for such injunction is to be made. Whenever such department shall seek any provisional remedy or shall prosecute an appeal, it shall not be necessary, before obtaining or prosecuting the same, to give an undertaking.

Power of attorney for the department.

Sec. 1344-c. The counsel assigned by the corporation counsel to the tenement house department shall sue for and collect all penalties, and take charge of and conduct all legal proceedings imposed or provided by this chapter, or by the tenement house act, and all other tenement house laws, regulations and ordinances. All suits or proceedings instituted for the enforcement of the several provisions of this chapter, or for the recovery of penalties imposed by the tenement house act, shall be brought in the name of the tenement house department of The City of New York, by such counsel. The penalties recovered shall be paid to such counsel. He shall on the first of each month render to the commissioner an itemized statement of all moneys collected by him, and pay over the same to the tenement house commissioner. He shall at the same time render a statement of the necessary disbursements incurred or paid in the prosecution of the actions and proceedings instituted by him. The tenement house commissioner shall pay monthly the amount of such moneys so collected to the comptroller of The City of New York.

No personal liability.

Sec. 1344-d. An officer or employe of the tenement house department shall not be liable for acts done by him, in good faith in the performance of his official duties, pursuant to the direction of the commissioner or the rules and regulations of the department. Any person whose property has been unjustly or illegally destroyed or injured pursuant to the order, regulation or ordinance of such tenement house department, or its officers or employes, for which no personal liability exists as aforesaid, may obtain a proper action against the city for the recovery of the proper compensation or damage. Every such suit shall be brought within six months after the cause of action arose, and the recovery shall be limited to the damages suffered.

Right of entry of officers of department.

Sec. 1344-e. The tenement house commissioner and his deputies and all inspectors of the tenement house department, and such other persons as are authorized by the commissioner, may without fee or hindrance enter, examine and survey all premises, grounds, erections, structures, apartments, buildings and every part thereof in the city, and all cellars and passages of every sort, and inspect the safety and sanitary condition, and make plans, drawings and descriptions thereof, according to the regulations of the department. The owner or his agent or representative and the lessee or occupant of every tenement house or part thereof, and every person having the care and management thereof, shall at all times, when required by any such officers or persons, give them free access to such house and every part thereof.

Punishment for false returns and deceptive reports.

Sec. 1344-f. Any inspector, officer or employe of such tenement house department who shall knowingly make thereto a false or deceptive report or statement in connection with his duties, or shall accept or receive any bribe or other compensation as a condition of or an inducement for not faithfully discovering or fully reporting or otherwise acting in accordance with his duty in any respect, or shall accept or receive any gratuity from any person whose interests may be affected by his official action, shall be guilty of a misdemeanor and punishable by imprisonment for not more than one year and by a fine of not more than five hundred dollars. If such officer, inspector or employe be convicted of such offense, he shall forfeit his office, and in addition all compensation due or to become due from such department.

Falsely personating an officer.

Sec. 1344-g. If any person, not an officer, inspector or employe of such department, or acting under the authority thereof, falsely represents himself as such, or if any such person shall use, wear or display, without authority, any shield or other insignia or emblem such as is worn by such officer, inspector or employe, he shall be guilty of a misdemeanor.

Application of provisions of chapter nineteen.

Sec. 1344-h. The provisions of chapter nineteen of this charter, relative to the department of health, which provides:

1. For the repair of buildings, as contained in section eleven hundred and seventy-one of such chapter.

2. For proceedings relative to dangerous and improperly constructed buildings, as contained in section eleven hundred and seventy-six thereof.

3. For assistance and co-operation of the police department, as contained in section twelve hundred and two thereof.

4. Punishment for violation of orders and the service of such orders, as contained in sections twelve hundred and twenty-two and twelve hundred and twenty-four thereof.

5. For legal proceedings and punishment for disobedience of orders and ordinances, as contained in title four thereof.

6. For reimbursements and lien of expenses incurred by such department in the execution of its orders as contained in title five thereof.

7. For suits for the abatement or removal of nuisances, and for proceedings, and the powers and duties of such department in respect to such nuisances, as contained in title six thereof; and the definition of the word "nuisance" and other matters in respect thereto, as contained in sections twelve hundred and twenty-nine, twelve hundred and ninety-nine and thirteen hundred thereof, shall apply to the supervision and regulation of tenement houses by the tenement house department, its officers, agents and employes, unless otherwise specified in, or inconsistent with, the provisions of this chapter. All the provisions of the section and titles above specified shall be so applicable to such tenement house department, its officers, agents and employes.

TITLE 3.

RECORDS AND REPORTS; MISCELLANEOUS PROVISIONS.

Records in department.

Sec. 1344-i. The tenement house commissioner shall provide a system for keeping the records of tenemert houses by card catalogue and street number, or otherwise. Such records shall include:

1. A diagram of each tenement house, showing the shape of the building, its width and depth, also the measurements of the unoccupied area, showing shafts, courts, yards, and other open spaces. Such diagram shall include a diagram of the second or typical floor of the building, showing the sizes and arrangement of the rooms, and all doors, stairs, windows, halls and partitions.

2. A statement of the date or the approximate date when the building was erected.

3. The deaths occurring in the tenement house during each year and the annual death rate therein. Such statement shall show whether such deaths were of adults or children, and, if occasioned by tuberculosis, typhoid fever, diphtheria, scarlet fever, smallpox, measles, or by any other contagious or infectious disease, it shall state the disease causing death.

4. The cases of sickness from contagious diseases occurring in the tenement house and the nature of the disease. Such record shall also show whether such cases of sickness were of children or adults.—Amended by Chapter 433, Laws of 1903.

Reports from different institutions and departments.

Sec. 1344-j. All dispensaries and hospitals in The City of New York shall make weekly statements to the tenement house department as to the cases of sickness received in such hospital or treated in such dispensary from each tenement house. Such statement shall show the location of the tenement house, by street and number, from which the case was received, and the nature of the sickness treated, whether the patient was an adult or child and the date of the treatment.

The police department of The City of New York shall furnish to the tenement house department a weekly statement of the number of arrests of persons living in tenement houses, which shall show the location of the tenement house, by street and number, the offense with which the person is charged, the age and name of the offender, and such other information as the tenement house department may require. The tenement house commissioner shall prescribe and furnish blank forms for making such statements.

Other reports to the department.

Sec. 1344-k. Such department may require reports and information of such facts relative to the condition of persons residing in tenement houses as the commissioner may deem to be useful in carrying out the purposes of this chapter and the tenement house laws, regulations and ordinances, from all dispensaries, hospitals, charitable or benevolent societies, infirmaries, prisons and schools, and

from the managers, principals and officers thereof; the managers, principals and officers of such institutions shall promptly give such information and make such reports, verbal or in writing, as may be required by the commissioner.

Transfer of property, etc., from other departments.

Sec. 1344-l. Upon the organization of the tenement house department hereby created, and upon notice thereof from the tenement house commissioner to the department of health and department of buildings, such books, papers, records, and other matters belonging to, or in the custody of such departments of health or buildings, and used in such departments in connection with tenement houses, as the tenement house commissioner may require for carrying out the provisions of this chapter and the enforcement of the tenement house laws, regulations and ordinances, shall be transferred by such department of health and department of buildings to the tenement house department hereby created.

Co-operation of other departments.

Sec. 1344-m. It shall be the duty of all city departments at all times, when requested so to do, to co-operate with the tenement house department, and to furnish such department with such information, reports and assistance as may be required.

Details of men to assist tenement house department.

Sec. 1344-n. The police commissioner, upon the requisition of the tenement house commissioner, shall detail to the service of said tenement house department for the purpose of the enforcement of the acts relating to tenement houses suitable officers and men of experience of at least five years' service in the police force, provided that the number of officers and men so detailed shall not at any time exceed one hundred, and, provided further, that the tenement house department shall pay monthly to the police department a sum equal to the pay of all officers and men so detailed. These officers and men shall belong to the sanitary company of police, and shall report to the tenement house commissioner. In making such detail the police commissioner shall give preference to those officers and men who have belonged for not less than five years to the sanitary company of the police assigned to the department of health. All other officers and men so detailed shall, whenever the tenement house commissioner so requests, be selected from those who have passed a competitive civil service examination for their qualification for this service. The tenement house commissioner may report back to the police department for punishment any member of said company guilty of any breach of order or discipline, or of neglecting his duty, and thereupon the police comissioner shall detail another officer or man in his place, and the discipline of the members of the sanitary company shall be in the jurisdiction of the police department, but at any time the tenement house commissioner may object to any member of said sanitary company on the ground of inefficiency, and thereupon another officer or man shall be detailed in his place.

Definitions.

Sec. 1344-o. The term "department," when used in this chapter, shall mean the tenement house department. The term "commissioner," when used in this chapter, shall mean the tenement house commissioner. The term "tenement house," when used in this chapter, shall be deemed to refer to a tenement house which is subject to the provisions of the New York tenement house act, and defined therein.

Saving clause.

Sec. 1344-p. Nothing in this chapter shall affect or in any way impair any act done or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time this chapter takes effect, but the same may be asserted, enforced, prosecuted or inflicted, as fully and to the same extent as if the tenement house department had not been created, and the powers and duties of the department of health, the department of buildings, and the police department, in respect to tenement houses and the laws, rules and ordinances relating thereto had not been transferred to such tenement house department, as provided in this chapter. All actions and proceedings, civil or criminal, commenced under or by virtue of statutes creating and conferring powers and imposing duties on such department of health, department of buildings, and police department, in respect to tenement houses and for the enforcement of laws, rules and ordinances relative thereto, and pending immediately prior to the taking effect of this chapter, may be prosecuted and defended to final effect by the tenement house department in the same manner as they might by such department of health, department of buildings or police department, if this chapter had not been passed. All such actions and proceedings shall be prosecuted and defended in the name of the tenement house department.

CHAPTER XX.

INFERIOR LOCAL COURTS.

Title 1. The city court of New York.
2. The municipal court of The City of New York.
3. Inferior courts of criminal jurisdiction.
4. The marshals.
5. Interpreters.

TITLE 1.

THE CITY COURT OF NEW YORK.

The city court of New York, continued.

Sec. 1345. The city court shall be continued, and said court and the justices thereof shall have the same powers and jurisdiction as are now conferred upon them by law; provided, however, that in sections three hundred and thirty-eight, thirty-one hundred and sixty-five, thirty-one hundred and sixty-nine, thirty-one hundred and seventy, and thirty-two hundred and sixty-eight of the code of civil procedure the word "city" shall be construed to mean and apply to the territory within the city of New York as it existed and was constituted prior to the first day of January, eighteen hundred and ninety-eight.

Id.; justices of the court.

Sec. 1346. The justices of said city court in office when this act shall take effect shall continue to hold office until the expiration of their respective terms; but the successors of said justices shall be elected for and hold office for the period of ten years.

TITLE 2.

THE MUNICIPAL COURT OF THE CITY OF NEW YORK.

Courts, etc., abolished.

Sec. 1350. From and after midnight of the thirty-first day of January, eighteen hundred and ninety-eight, the justices' courts and the office of justice of the peace in the cities of Brooklyn and Long Island City are abolished, and all jurisdiction, power, authority and duty heretofore vested in said courts and justices of the peace, and in the clerks, officers, interpreters, stenographers and employes of said courts and justices shall cease and determine, except as provided in the next section and section thirteen hundred and seventy-two of this act; and from and after the passage of this act no person shall be elected to the office of district court justice or justice of the peace in any portion of the territory included within The City of New York as constituted by this act.

Municipal court created.

Sec. 1351. On and after the first day of January, eighteen hundred and ninety-eight, the district courts of The City of New York and the justices' courts of the first, second and third districts of the city of Brooklyn are hereby continued, consolidated and reorganized under the name of "The Municipal Court of The City of New York," which said court shall be a local civil court within The City of New York as constituted by this act, and shall not be a court of record or have any equity jurisdiction; but shall have the jurisdiction, powers, duties and organization hereinafter prescribed.

Justices.

Sec. 1352. The said court shall be held by justices to be elected or appointed, as follows:

1. The justices of the municipal court in office on the first day of January, nineteen hundred and eight, shall continue to hold office for the remainder of the terms for which they were elected or appointed, and shall continue as justices of the municipal court of The City of New York for the districts by this act territorially changed and altered, as follows, respectively:

The justice for the first district of the borough of Manhattan as heretofore constituted shall be a justice for the first district of the borough of Manhattan as constituted by this act.

The justice for the second district of the borough of Manhattan as heretofore constituted shall be a justice for the first district of the borough of Manhattan as constituted by this act.

The justice for the third district of the borough of Manhattan as heretofore constituted shall be a justice for the first district of the borough of Manhattan as constituted by this act.

The justice for the fourth district of the borough of Manhattan as heretofore constituted shall be a justice for the second district of the borough of Manhattan as constituted by this act.

The justice for the fifth district of the borough of Manhattan as heretofore constituted shall be a justice for the second district of the borough of Manhattan as constituted by this act.

The justice for the sixth district of the borough of Manhattan as heretofore constituted shall be a justice for the fourth district of the borough of Manhattan as constituted by this act.

The justice for the seventh district of the borough of Manhattan as heretofore constituted shall be a justice for the sixth district of the borough of Manhattan as constituted by this act.

The justice for the eighth district of the borough of Manhattan as heretofore constituted shall be a justice for the third district of the borough of Manhattan as constituted by this act.

The justices for the ninth district of the borough of Manhattan as heretofore constituted shall be a justice for the eighth district of the borough of Manhattan as constituted by this act.

The justice for the tenth district of the borough of Manhattan as heretofore constituted shall be a justice for the third district of the borough of Manhattan as constituted by this act.

The justice for the eleventh district of the borough of Manhattan as heretofore constituted shall be a justice for the seventh district of the borough of Manhattan as constituted by this act.

The justice for the twelfth district of the borough of Manhattan as heretofore constituted shall be a justice for the

fifth district of the borough of Manhattan as constituted by this act.

The justice for the thirteenth district of the borough of Manhattan as heretofore constituted shall be a justice for the second district of the borough of Manhattan as constituted by this act.

The justice for the fourteenth district of the borough of Manhattan as heretofore constituted shall be a justice for the ninth district of the borough of Manhattan as constituted by this act.

The justices in the boroughs of the Bronx, Brooklyn, Queens and Richmond shall continue as justices in the districts for which they were respectively elected or appointed.

2. At the general election to be held in the year nineteen hundred and seven, there shall be elected fifteen additional justices of the muncipal court of the city of New York, as follows, to-wit:

One additional justice for the second district of the borough of Manhattan, as hereby constituted.

One additional justice for the fourth district of the borough of Manhattan, as hereby constituted.

One additional justice for the sixth district of the borough of Manhattan, as hereby constituted.

Two additional justices for the fifth district of the borough of Manhattan, as hereby constituted.

Two additional justices for the seventh district of the borough of Manhattan, as hereby constituted.

One additional justice for the eighth district of the borough of Manhattan, as hereby constituted.

Three additional justices for the ninth district of the borough of Manhattan, as hereby constituted.

One additional justice for the second district of the borough of Brooklyn, as now constituted; one additional justice for the third district of the borough of Brooklyn as now constituted; one additional justice for the sixth district of the borough of Brooklyn as now constituted; one additional justice for the seventh district of the borough of Brooklyn as now constituted.

The said justices to be elected by the electors of the respective districts for which they are elected.

3. The successors of the justices mentioned in the first and second subdivisions of this section shall be elected by the electors of the districts of the said justices as hereby constituted respectively at the general election to be held in the year at the end of which the terms of said justices respectively shall expire.

4. At any election to be held at the general election in the year one thousand nine hundred and seven under existing provisions of law, to fill a vacancy then existing in the office of justice in any district as heretofore constituted, whether by expiration of term or otherwise, the said vacancy shall be filled by the election of a justice of said court for a full term, for the district as constituted by this act, to which the justice of said district as heretofore constituted, would, if in office on January first, one thousand nine hundred and eight, be assigned by the provisions of subdivision one of this section, as amended by this act. Such section is also amended by adding thereto a new subdivision to be subdivision five, and to read as follows:

5. There shall be elected at the general election to be held on the first Tuesday succeeding the first Monday of November, in the year nineteen hundred and nine, one municipal court justice in each of the first, second, third and fourth districts of the borough of Queens, to hold office for terms of ten years from and including the first day of January succeeding their election.—As amended by Laws 1907, Chapter 603.

6. There shall be elected at the general election to be held on the first Tuesday succeeding the first Monday of November, in the year nineteen hundred and eleven, one additional municipal court justice for the second district of the borough of the Bronx as now constituted, to hold office for the term of ten years from and including the first day of January succeeding his election. The said justice to be elected by the electors of the second district of the borough of the Bronx as now constituted; and the successor of the said justice to be elected by the electors of the second district of the borough of the Bronx as now constituted at the general election to be held in the year at the end of which the term of the said justice shall expire.—Added by Laws of 1911, Chapter 678.

Qualifications, etc., of justices.

Sec. 1353. No one shall hereafter be eligible to the office of justice of the said municipal court, after the first day of March, eighteen hundred and ninety-nine, unless he be a resident and elector in the district for which he shall be elected or appointed and has been an attorney and counselor-at-law of the state of New York for at least five years or unless he shall have served as a justice of such municipal court. None of said justices shall engage in any other business profession or hold any other public office or act as referee, or receiver, but each of said justices shall devote his whole time and capacity, so far as the public interest demands, to the duties of his office; provided, however, that this restriction shall not apply to the justices of said court mentioned in subdivision one of section thirteen hundred and fifty-two of this act.

Oath.

Sec. 1354. The justices elected or appointed pursuant to this act shall, before entering upon their duties, take the oath of office prescribed by the constitution, and file the same with the city clerk.

Salary.

Sec. 1355. The salary of each of said justices except those appointed or elected from the boroughs of Queens and Richmond, shall be eight thousand dollars a year, to be paid in equal monthly installments by the proper officers of said city, and the salary of each of said justices appointed or elected for the boroughs of Queens and Richmond shall be seven thousand dollars a year, to be paid in the same manner, provided, however, that whenever a justice elected or appointed for the borough of Queens or the borough of Richmond shall hold court in either of the boroughs of Manhattan, Brooklyn or The Bronx, such justice shall receive in addition to such salary the sum of ten dollars for each day on which he shall so hold court, to be paid on the certification of the president of the board of justices that the holding of court by such justice was necessary in consequence of the illness or necessary absence of the justice regularly assigned to hold the same, or on account of extraordinary pressure of business. The comptroller of The City of New York is hereby authorized and directed to issue special revenue bonds under the provisions of section one hundred and eighty-eight of chapter four hundred and sixty-six of the laws of nineteen hundred and one in an amount sufficient to provide for the payment of the salaries of the justices, clerks, deputy clerks, assistant clerks and stenographers during the current fiscal year, and to provide for the payment of the increases made.—As amended by Laws 1907, Chapter 603.

Terms.

Sec. 1356. The terms of said justices to be elected pursuant to this title shall be ten years.

Vacancies.

Sec. 1357. Vacancies occurring in the office of justice of said court shall be filled at the next ensuing general election for the unexpired term commencing on the first day of January next after said election; and the mayor of the city shall appoint some proper person to fill such vacancy in the interim within twenty days after the same occurs.

Districts.

Sec. 1358. The several boroughs composing The City of New York are hereby divided into districts, in each of which sessions of said municipal court shall be held, as specified in the next five sections.

Borough of The Bronx.

Sec. 1359. In the borough of The Bronx there shall be two districts, as follows:

1. The first district embracing the territory described in chapter nine hundred and thirty-four of the laws of eighteen hundred and ninety-five.

2. The second district embracing the remainder of said borough.

Borough of Manhattan.

Sec. 1360. In the borough of Manhattan there shall be nine districts as follows:

1. The first district embraces the territory bounded on the south and west by the southerly and westerly boundaries of the said borough, on the north by the center line of Fourteenth street and the center line of Fifth street from the Bowery to Second avenue, on the east by the center lines of Fourth avenue from Fourteenth street to Fifth street, Second aveune, Chrystie street, Division street and Catharine street.

2. The second district embraces the territory bounded on the south by the center line of Fifth street from the Bowery to Second avenue and on the south and east by the southerly and easterly boundaries of the said borough; on the north by the center line of East Fourteenth street; on the west by the center lines of Fourth avenue from Fourteenth street to Fifth street, Second avenue, Chrystie street, Division street and Catharine street.

3. The third district embraces the territory bounded on the south by the center line of Fourteenth street; on the east by the center line of Seventh avenue from Fourteenth street to Fifty-ninth street and by the center line of Central Park West from Fifty-ninth street to Sixty-fifth street; on the north by the center line of Sixty-fifth street and the center line of Fifty-ninth street from Seventh to Eighth avenues; on the west by the westerly boundary of the said borough.

4. The fourth district embraces the territory bounded on the south by the center line of East Fourteenth street; on the west by the center line of Lexington avenue and by the center line of Irving place, including its projection through Gramercy Park; on the north by the center line of Fifty-ninth street; on the east by the easterly line of said borough; excluding, however, any portion of Blackwell's island.

5. The fifth district embraces the territory bounded on the south by the center line of Sixty-fifth street; on the east by the center line of Central Park West; on the north by the center line of One Hundred and Tenth street; on the west by the westerly boundary of said borough.

6. The sixth district embraces the territory bounded on the south by the center line of Fifty-ninth street, and by the center line of Ninety-sixth street from Lexington avenue to Fifth avenue; on the west by the center line of Lexington avenue from Fifty-ninth street to Ninety-sixth street and the center line of Fifth avenue from Ninety-sixth street to One Hundred and Tenth street; on the north by the center line of One Hundred and Tenth street; on the east by the easterly boundary of said borough including, however, all of Blackwell's island and excluding any portion of Ward's island.

7. The seventh district embraces the territory bounded on the south by the center line of One Hundred and Tenth street; on the east by the center line of Fifth avenue to the northerly terminus thereof, and north of the northerly terminus of Fifth avenue, following in a northerly direction the course of the Harlem river on a line coterminous with the easterly boundary of said borough; on the north and west by the northerly and westerly boundaries of said borough.

8. The eighth district embraces the territory bounded on the south by the

center line of One Hundred and Tenth street; on the west by the center line of Fifth avenue; on the north and east by the northerly and easterly boundaries of said borough, including Randall's island and the whole of Ward's island.

9. The ninth district embraces the territory bounded on the south by the center line of Fourteenth street and by the center line of Fifty-ninth street from the center line of Seventh avenue to the center line of Central Park West; on the east by the center line of Lexington avenue and by the center line of Irving place, including its projection through Gramercy Park and by the center line of Fifth avenue from the center line of Ninety-sixth street to the center line of One Hundred and Tenth street; on the north by the center line of Ninety-sixth street from the center line of Lexington avenue to the center line of Fifth avenue and by One Hundred and Tenth street from Fifth avenue to Central Park West; on the west by the center line of Seventh avenue and Central Park West.—As amended by Laws 1907 Chapter 603.

Borough of Brooklyn.

Sec. 1361. In the borough of Brooklyn there shall be seven districts, as follows:

1. The first district embraces the first, second, third, fourth, fifth, sixth, tenth and twelfth wards and that portion of the eleventh ward beginning at the intersection of the center lines of Hudson and Myrtle avenues, thence along the center line of Myrtle avenue to North Portland avenue, thence along the center line of North Portland avenue to Flushing avenue, thence along the center line of Flushing avenue to Navy street, thence along the center line of Navy street to Johnson street, thence along the center line of Johnson street to Hudson avenue, and thence along the center line of Hudson avenue to the point of beginning.

2. The second district embraces the seventh ward and that portion of the twenty-first and twenty-third wards west of the center line of Stuyvesant avenue and the center line of Schenectady avenue, also that portion of the twentieth ward beginning at the intersection of the center lines of North Portland and Myrtle avenues, thence along the center line of Myrtle avenue to Waverly avenue, thence along the center line of Waverly avenue to Park avenue, thence along the center line of Park avenue to Washington avenue, thence along the center line of Washington avenue to Flushing avenue, and thence along the center line of Flushing avenue to North Portland avenue, and thence along the center line of North Portland avenue to the point of beginning.

3. The third district embraces the thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth wards and that portion of the twenty-seventh ward lying northwest of the center line of Starr street, between the boundary line of Queens county and the center line of Central avenue and northwest of the center line of Suydam street between the center lines of Central and Bushwick avenues, and northwest of the center line of Willoughby avenue between the center lines of Bushwick avenue and Broadway.

4. The fourth district embraces the twenty-fourth and twenty-fifth wards, that portion of the twenty-first and twenty-third wards lying east of the center line of Stuyvesant avenue and east of the center line of Schenectady avenue and that portion of the twenty-seventh ward lying southwest of the center line of Starr street, between the boundary line of Queens county and the center line of Central avenue, and southeast of the center line of Suydam street between the center lines of Central and Bushwick avenues, and southeast of the center line of Willoughby avenue between the center line of Bushwick avenue and Broadway.

5. The fifth district embraces the eighth, thirtieth and thirty-first wards and that portion of the twenty-second ward south of the center line of Prospect avenue.

6. The sixth district embraces the ninth and twenty-ninth wards and that portion of the twenty-second ward north of the center line of Prospect avenue, also that portion of the eleventh and twentieth wards beginning at the intersection of the center lines of Bridge and Fulton streets, thence along the center line of Fulton street to Flatbush avenue, thence along the center line of Flatbush avenue to Atlantic avenue, thence along the center line of Atlantic avenue to Washington avenue, thence along the center line of Washington avenue to Park avenue, thence along the center line of Park avenue to Waverly avenue, thence along the center line of Myrtle avenue to Hudson avenue, thence along the center line of Hudson avenue to Johnson street, and thence along the center line of Johnson street to Bridge street, and thence along the center line of Bridge street to the point of beginning.

7. The seventh district embraces the twenty-sixth, twenty-eighth and thirty-second wards.—As amended by Laws 1905, Chapter 758.

This act also contains provisions for pending suits and for providing the new district with a courthouse and suitable clerks, equipment, etc.

Borough of Queens.

Sec. 1362. In the Borough of Queens there shall be four districts as follows:

1. The first district embraces the territory bounded by and within the canal, Rapelye avenue, Jackson avenue, Old Bowery Bay road, Bowery bay, East river and Newtown creek.

2. The second district embraces the territory bounded by and within Maspeth avenue, Maurice avenue, Calamus road, Long Island railroad, Trotting-Course lane, Metropolitan avenue, boundary line between the second and fourth wards, boundary line between the second and third wards, Flushing creek, Ireland Mill road, Lawrence avenue, Bradford avenue, Main street, Lincoln street, Union street, Broadway, Parsons avenue, Lincoln street, Percy street, Sanford avenue, Murray Lane, Bayside avenue, Little Bayside road, Little Neck bay, East river, Bowery bay, Old Bowery Bay road, Jackson avenue, Rapelye avenue, the canal and Newtown creek.

3. The third district embraces the territory bounded by and within Maspeth avenue, Maurice avenue, Calamus road, Long Island railroad, Trotting-Course lane, Metropolitan avenue, boundary line between the second and fourth wards, Vanderveer avenue, Jamaica avenue, Shaw avenue, Atlantic avenue, Morris avenue, Rockaway road, boundary line between Queens and Nassau counties, Atlantic ocean, Rockaway inlet, boundary line between Queens and Kings counties and Newtown creek.

4. The fourth district embraces the territory bounded by and within the boundary line between the second and fourth wards, the boundary line between the second and third wards, Flushing creek, Ireland Mill road, Lawrence avenue, Bradford avenue, Main street, Lincoln street, Union street, Broadway, Parsons avenue, Lincoln street, Percy street, Sanford avenue, Murray lane, Bayside avenue, Little Bayside road, Little Neck bay, boundary line between Queens and Nassau counties, Rockaway road, Morris avenue, Atlantic avenue, Shaw avenue, Jamaica avenue, and Vanderveer avenue.

Note—This act shall take effect January first, nineteen hundred and ten, except so far as the provisions thereof relate to the election of municipal court justices at the general election in nineteen hundred and nine, as provided by subdivision five of section thirteen hundred and fifty-two of the Greater New York charter, as amended by chapter six hundred and three of the laws of nineteen hundred and seven, and for that purpose, shall take effect immediately.—As amended by Laws 1908, Chapter 462

Borough of Richmond.

Sec. 1363. In the borough of Richmond there shall be two districts, as follows:

1. The first district embraces wards one and three of said borough.

2. The second district embraces wards two, four and five of said borough.

Sec. 1364 to Sec. 1372. Repealed by Laws 1902, Chapter 580.

Clerks and assistant clerks.

Sec. 1373. The clerks, deputy clerks and assistant clerks, stenographers, interpreters, attendants and other employees of the municipal court of the city of New York, in office on the thirty-first day of August, nineteen hundred and fifteen, shall continue to hold office for the remainder of the respective terms for which they were appointed at their present salaries. There shall be a clerk and a deputy clerk in each district. The total clerical force of each district, including collectively a clerk, a deputy clerk and, where there is more than one justice, assistant clerks, shall be equal numerically to at least twice the number of justices thereof, provided, however, that the board of justices or the justices of the district may assign an assistant clerk temporarily to any district in any borough in the event of an emergency requiring such action. The successors of any clerks, deputy clerks or assistant clerks at the time this act shall take effect, shall be appointed in each district by the justice or justices thereof for a term of six years, from the date of appointment, and shall receive a salary of three thousand dollars per annum, except in the boroughs of Queens and Richmond, where the salary of such clerks shall be two thousand dollars per annum. If the said justice or a majority of said justices fail to agree upon such appointment within thirty days after the vacancy occurs, then the justices in the borough containing such district, or a majority of them, shall make such appointment. Nothing herein shall be construed to prevent a clerk succeeding himself by appointment. The board of estimate and apportionment shall, on the recommendation of the board of justices, prescribe the number of assistant clerks, stenographers, interpreters, attendants and other employees of the said court for each borough, and shall fix their respective salaries, except as herein specifically provided.

The justice or justices or board of justices upon making an appointment to any of the offices in this act provided for, shall make duplicate certificates of such appointments, stating the term of the appointment and when it will expire, and one of such duplicates shall be filed in the office of the city clerk and the other with the secretary of the board of justices. All stenographers, interpreters and attendants shall continue in their respective positions without reappointment, and the board of justices shall from time to time prescribe their duties and assign them to service in the respective districts within the borough in which is located the district for which they shall have been appointed; but a stenographer shall act in the part of the court in which the justice appointing him may sit.

Before entering upon his duties, each clerk, deputy clerk and assistant clerk shall file in the office of the comptroller of the city of New York, a bond in the penal sum of five thousand dollars, conditioned for the faithful discharge of his duty and the due accounting for and payment of all money by him received or with him deposited as such clerk, deputy clerk, or assistant clerk to be approved by the comptroller by indorsement thereon. For any breach of said bond the appellate division of the supreme court in the judicial department wherein the district is situated for which such clerk, deputy clerk or assistant clerk is appointed may order the same to be prosecuted in the name of any person damaged by such breach. Neither the clerks, deputy clerks, assistant clerks nor any other employees of this court shall receive any fee or compensation whatever for their own use for any services performed by them by virtue

of their offices other than their salaries. No clerk, deputy clerk, assistant clerk, or other employee of this court shall hold any other office or be interested in any other business except as permitted by this act, but shall give his whole time to his respective duties and shall reside in the borough in which the district for which he was appointed is situated. The justices of the respecitve districts or a majority of them, if there be more than one, may remove any of the said assistant clerks, attendants, stenographers, or interpreters, provided that before removal such officers shall have notice of the cause of their proposed removal and an opportunity to make an explanation; and the reasons for any removal shall be briefly entered on such minutes. (As amended by Chap. 581, Laws of 1915)

Board of justices of municipal court.

Sec. 1374 The justices of said court shall constitute the board of justices of the municipal court and discharge the functions thereof. They may elect a president from their own number and at pleasure remove him and elect a successor. All meetings of said board shall be public and all proceedings shall be recorded in its books of minutes by its secretary and shall be preserved. Such board may designate a clerk of said court for one of said districts to act as secretary of said board, and from time to time substitute another and fix a compensation to be paid for such service, not exceeding the sum of one thousand dollars per annum. Such board shall establish public rules relative to its meetings, which as far as possible shall be held at regular times, to the keeping and preservation of its minutes and the appointment of clerks, assistant clerks, and other appointees, and to the public inspection of its minutes under the care of the secretary at reasonable times.—Amended by Laws 1906, Chapter 192.

Sec. 1375. Repealed. Laws 1902, Chapter 580.

Sec 1376. Repealed. Laws 1902, Chapter 580.

Sec. 1377. Repealed. Laws 1902, Chapter 580.

Clerks to administer oaths.

Sec. 1378. The clerks, deputy clerks and assistant clerks of the said municipal court are authorized to administer oaths in the city of New York in the same manner and with like effect as clearks of other courts of record. as amended by Chap. 581, Laws of 1915.]

Sec. 1379. Repealed. Laws 1902, Chapter 580.

Sec. 1380. Repealed. Laws 1902, Chapter 580.

Removal.

Sec. 1383. The clerks and deputy clerks of said court may be removed for cause, after due notice and an opportunity of being heard by the appellate division of the supreme court in the judicial district wherein the district for which such clerks or deputy clerks were appointed is situated. [As amended by Chap. 581, Laws of 1915.]

Summons and costs in action by City of New York.

Sec. 1384. In any and all actions brought in the name of the people of the state of New York by the attorney-general or in the name of The City of New York, or of any department, board or officer thereof, by the corporation counsel of The City of New York, as attorney for said city, or said department, board or officer thereof, to recover a penalty or penalties for the violation of any law or ordinance, the summons may be issued out of said court by the attorney-general or by the corporation counsel in his own name without the same being subscribed by the clerk of the court where such action or actions are brought, and in such actions the attorney-general or the corporation counsel shall not be required to pay to the clerk of the court the fees in the action, but shall account therefor to the city treasurer and shall collect the same from the defendant, when judgment is recovered; and no fees or costs shall be demanded of the people of the state of New York or the attorney-general or of the said The City of New York, or any department, board or officer thereof in any such suit or proceeding.—Original section repealed by Laws 1902, Chapter 580; new section added by Laws 1905, Chapter 125.

TITLE 3.

INFERIOR COURTS OF CRIMINAL JURISDICTION.

Sections 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399. 1400, 1401, 1402, 1403, 1404, 1405. 1406, 1407, 1408, 1409, 1410 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419 were repealed by the state Legislature of 1910 in Chapter 659 of the laws of that year. This chapter completely reorganizes the inferior courts of New York City, defining their powers and jurisdiction. (See Charter editions of previous years for full text of the law).

NIGHT SESSION OF MAGISTRATES' COURT,

Sec. 1397-a. After the number of magistrates in the first division shall have been increased to sixteen, by appointment of the mayor, pursuant to law, the board of city magistrates of the first division shall provide for the holding of a night session of the court to be held in such place annd during such hours of each night as the board may direct and shall make assignment of magistrates to hold the same—Added by Laws 1907, Chapter 598.

TITLE 4.

THE MARSHALS.

Marshals of the cities of New York and Brooklyn continued.

Sec. 1424. The marshals in The City of New York as heretofore known and bounded and the marshals and constables in the cities of Brooklyn and Long Island City, and in the several towns mentioned in section one of chapter one of this act, in office at the time this act shall take effect, shall continue to hold such offices and perform the duties thereof until midnight of the thirty-first day of January, eighteen hundred and ninety-eight, and said terms of office shall then expire, except those of the marshals in the late City of New York and the marshals in the late City of Brooklyn, who shall continue to be marshals of The City of New York, as hereby constituted, till the expiration of their respective terms.

Mayor to appoint marshals; term of office.

Sec. 1425. On or before the twentieth day of January, eighteen hundred and ninety-eight, the mayor of The City of New York shall appoint ten marshals in the manner provided in the next section, who shall hold their respective offices for six years; and there shall be appointed in like manner every sixth year thereafter the same number of marshals for the like terms. Any person appointed after the commencement of the term, as herein prescribed, shall hold only until the expiration of the term and until a successor is duly appointed and has qualified.

Id.; marshals for the boroughs of Queens and Richmond.

Sec. 1426. Six of said marshals so to be appointed shall be residents of the borough of Queens, and four residents of the borough of Richmond; and said marshals shall be assigned by the mayor to such duty within the boroughs wherein they reside respectively as is or may be provided by law.

Successors to present marshals of New York city.

Sec. 1427. On the expiration of the terms of said marshals of The City of New York mentioned in the last clause of section fourteen hundred and twenty-four of this act, the said mayor shall appoint their successors for terms of six years respectively.

Sec. 1428. Repealed. Laws 1902, Chapter 580.

Sec. 1429. Repealed. Laws 1902, Chapter 580.

Relative to persons pretending to be city marshals.

(See Code of Ordinances Library.)

Sec. 1430. No person, not a marshal of The City of New York, shall hold himself out to the public as being a marshal or as being in any way authorized to act as a marshal or to perform the duties of a marshal; and no person, not a marshal, shall exhibit any sign with the words "marshal's bureau" thereon or any other words or terms whereby the public may be led to believe that he is a city marshal or authorized to act as such, or that his office is the office of a city marshal. No city marshal shall knowingly permit any person not a city marshal to perform any act in his name, or to sign or use his name in the performance of any act which can only be performed by a city marshal in person. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, punishable by imprisonment for a term not exceeding one month, or by a fine not exceeding two hundred dollars for each offense.—Added by Laws 1904, Chapter 369.

CHAPTER XXI.

(Chapter xxi, amended and added to by Chap. 696, Laws of 1915—Sections 1431 to 1425, incl.)

Title 1. General provisions applicable to all proceedings instituted under this chapter.

2. Provisions relating to procedure for ascertainment of compensation by the court without a jury; application to the court to condemn.

3. Provisions relating to procedure for ascertainment of compensation by commissioners to be appointed by the court.

TITLE I.

GENERAL PROVISIONS APPLICABLE TO ALL PROCEEDINGS INSTITUTED UNDER THIS CHAPTER.

Definitions.

Sec. 1431. When used in this chapter of the Greater New York charter, unless otherwise expressly stated or unless the context or subject-matter otherwise requires:

1. "The court," "the supreme court," means a special term of the supreme court, held in a county within the city of New York and within the judicial districts in which the real property or some part thereof is situated;

2. "Days" means calendar days, exclusive of Sundays and full legal holidays;

3. "Owner" means a person having an estate, interest or easement in the real property to be acquired, or a lien, charge or encumbrance on the real property to be acquired;

4. "Real property" includes all lands and improvements, lands under water, waterfront property, the waters

of any lake, pond or stream, all easements and hereditaments, corporeal or incorporeal, and every estate, interest and right, legal or equitable, in lands or water, and right, interest, privilege, easement and franchise relating to the same, including terms for years and liens by way of judgment, mortgage or otherwise;

Proccdure for Acquirement of Real Property.

Sec. 1432. Whenever the city of New York or any of the departments, including the department of education, boards or officers of the said city government shall be authorized by law to acquire title to real property for any public use or purpose by condemnation, the proceeding for that purpose shall be taken and conducted in the manner prescribed in this chapter of the Greater New York charter, except as provided in section fourteen hundred and fifty-three of this act. When any such real property shall have been selected and the said department, board or officer has determined to take proceedings for the acquisition of the same, said department, board or officer shall cause two similar surveys, maps or plans thereof to be prepared, one of which shall be filed in the office of the said department, board or officer, and the other of which shall be filed in the office in which instruments affecting real property are required to be recorded in the county in which such real property is situated, and it shall be lawful for the duly authorized agents of the said department, board or officer and all persons acting under his or its authority and by his or its direction, to enter in the daytime into and upon any such real property which it shall be necessary to enter into and upon, for the purpose of making such surveys, maps or plans, or for the purpose of making such soundings or borings as the said department, board or officer may deem necessary.

Board of Estimate and Apportionment to Approve Selection and Determine Method of Acquisition.

Sec. 1433. It shall be the duty of the department, board or officer which has selected such real property, to submit the matter to the board of estimate and apportionment, and no further proceedings shall be taken until the acquisition of said real property is approved and authorized by a majority vote of all the members of the said board of cstimate and apportionment, at a meeting of said board duly called and held. In all proceedings authorized by the board of estimate and apportionment prior to the first day of January, nineteen hundred and seventeen, the said board is authorized to determine whether the compensation to be made to the owners of real property to be acquired shall bc ascertained by the supreme court without a jury, or by three commissioners of estimate and appraisal to be appointed by the said court. In proceedings in which the board of estimate and apportionment shall determine that the compensation to be made to the owners of the real property to be acquired shall be ascertained by the supreme court without a jury, the city of New York is authorized to make application, or to cause application to be made, to the said court, in the first judicial district, when the real property to be taken is situated in the county of New York or the Bronx, and in the second judicial district, when the real property to be taken is situated in the county of Kings, or Queens, or Richmond, to have the compensation which should justly be made to the respective owners of the real property proposed to be taken, ascertained and determined by the said court without a jury. In proceedings in which the board of estimate and apportionment shall determine that the compensation which should justly be made to the owners of the real proporety proposed to be taken, shall be ascertained by three commissioners of estimate and appraisal to be appointed by the said court, the city of New York is authorized to make application, or to cause application to be made, to the said court, in the first judicial district, when the real property to be taken is situated in the county of New York or the Bronx, and in the second judicial district, when the real property to be taken is situated in the county of Kings, or Queens, or Richmond, for the appointment of three commissioners of estimate and appraisal to ascertain and determine the compensation or recompense to be made to the owners of the real property proposed to be taken. On and after the first day of January, nineteen hundred and seventeen, the compensation to which the owners of real property to be acquired shall be entitled, shall be ascertained and determined by the supreme court, without a jury, in the manner and according to the procedure prescribed by this chapter of the Greater New York charter, and on and after said date, the city of New York is authorized to make application to the court, or to cause application to be made as provided in this section, to have the compensation which should justly be made to the respective owners of the real property proposed to be taken, ascertained and determined by the said court, without a jury. Upon any such authorization, it shall be the duty of the corporation counsel to file in the office of the clerk of the county where said real property or any part thereof is situated, a notice of the pendency of proceedings for the acquisition of said real property. The said notice shall briefly state the object of the proceedings and shall contain a description by metes and bounds of the real property affected thereby. It shall also state the names of such of the owners of said real property as may be known to the corporation counsel, and in case any of the owners are unknown, a statement to that effect shall be made in such notice. Such notice, from the time of filing, shall be constructive notice to a purchaser or encumbrancer of the real property affected thereby from or against any person interested as owner with respect to whom the notice is directed to be indexed.

Board of Estimate and Apportionment May Agree With Owner for Purchase.

Sec. 1434. Said board of cstimate and apportionment shall have power and is hereby authorized to agree as to the purchase price of any real property selected as aforesaid or any part thereof and to purchase the same for and on behalf of said city of New York. In any proceeding heretofore or hereafter instituted pursuant to any of the provisions of this statute, to wit, the Greater New York charter, or pursuant to the provisions of any other statute providing for the acquisition of title to real property by the city of New York, in which title thereto shall have become vested in the said city of New York prior to the entry of the final decree of the court or the entry of the order confirming the report of the commissioners as the case may be in the proceeding, the board of estimate and apportionment shall have power and is hereby authorized to purchase or to approve the purchase on behalf of said city of New York from the individuals or corporations who were the owners of said real property at the date of the vesting of title thereto in said city, or their successors in interest or legal representatives, their right and title to the award or awards, or any part thereof, to be made in said proceeding and to take an assignment therof to said city of New York. If such owner or owners or their successors in interest or legal representatives shall have transferred or assigned such claim, such transfer or assignment made by the said owner or owners or by their successors in interest or legal representatives, shall not become binding upon the city of New York unless the instrument or instruments evidencing such transfer or assignment shall have been executed and filed in the office of the comptroller of the city of New York, as in this chapter provided, prior to the completion of such purchase by said city of New York.

Title May Be Vested by Resolution of Board of Estimate and Apportionment.

Sec. 1435. Should the board of estimate and apportionment by a resolution adopted by a three-fourths vote deem it for the public interest that the title to the real property or any part thereof required for any public improvement or for any public purpose and acquired hereunder, should be acquired by the city of New York at a fixed or specified time, the said board of estimate and apportionment may direct that upon the date of the entry of the order granting the application to condemn or upon the date of the filing of the oaths of the commissioners of estimate and appraisal, as the case may be, as provided for in this chapter of the Greater New York charter, or upon a specified date after either, the title to any piece or parcel of real property to be acquired for any such improvement shall vest in the city of New York. Upon the date of the filing of such oaths or upon the date of the entry of the order granting the application to condemn, as the case may be, or upon such subsequent date as may be specified by said board, the city of New York shall become and be seized in fee of or of an easement in, over, upon or under the said real property described in the said resolution, as the board of estimate and apportionment may determine, the same to be held, appropriated, converted and used to and for the purposes of which the said proceeding is instituted. In such cases interest at the legal rate upon the sum or sums to which the owners of said real property are justly entitled upon the date of the vesting of title in the city of New York as aforesaid, from said date to the date of the payment of the award made to such owners, shall be paid as hereinafter set forth. In all other cases, title as aforesaid, shall vest in the city of New York upon the filing of the final decree of the court or upon the entry of the order confirming the report of the commissioners of estimate and appraisal, as the case may be, and the reversal on appeal of the final decree of the court or of the order of confirmation, as the case may be, shall not divest the city of title to the real property affected by the appeal. And upon the vesting of said title the said city, acting by and through the said department, board, body or officer, which upon the acquisition of the title to said real property will have jurisdiction thereof, shall immediately take possession of said real property without suit or other judicial proceedings.

Corporation Counsel to Represent Interests of City Before the Court or Commissioners; Comptroller to Furnish Clerks and Officers.

Sec. 1436. The corporation counsel shall, either in person or by such counsel as he shall designate for the purpose, appear for and protect the in-

terests of the city in all such proceedings in court and before the commissioners of estimate and appraisal. It shall be the duty of the comptroller of the city of New York to furnish the court or the commissioners of estimate and appraisal, as the case may be, such necessary clerks and other employees, and to provide such suitable offices as they may require to enable them to fully and satisfactory discharge the duties imposed upon them.

Contracts of Landlord and Tenant and Other Contracting Parties; How Affected.

Sec. 1437. In all cases where the whole of any lot or parcel of real property under lease or other contract shall be taken by virtue of any proceeding under this chapter of the Greater New York charter, all the covenants, contracts and engagements between landlord and tenant or any other contracting parties touching the same, or any part thereof, shall upon the vesting of the title in the city of New York cease and determine and be absolutely discharged; and in all cases where part only of any lot or parcel of real property so under lease or other contract shall be so taken, all contracts and engagements respecting the same shall, upon such vesting of title cease, determine and be absolutely discharged as to the part thereof so taken, but shall remain valid and obligatory as to the resdue thereof. All tenants in possession of said premises at the time of vesting of title thereto in the city shall become tenants at will of said city unless within ten days after the vesting of title they shall elect to vacate and give up their respective holdings.

Payment of Awards and Expenses; Instruments Assigning or Pledging Awards to Be Filed in the Office of the Comptroller.

Sec. 1438. The awards made in a proceeding brought under this chapter of the Greater New York charter and the fees of commissioners, the compensation of clerks, assistants and counsel employed by the corporation counsel in the proceeding, and all other reasonable expenses incurred by said corporation counsel in the conduct of said proceeding, shall be paid out of the fund authorized by the act, ordinance or resolution authorizing the acquisition of the real property. The city of New York shall, within two calendar months after the date of the filing of the final decree of the court or the entry of the order confirming the report of the commissioners, as the case may be, pay to the parties entitled thereto, the respective sum or sums so determined in their favor respectively with lawful interest from the date of the filing of said final decree or the entry of the order confirming the report of the commissioners, as the case may be, or if title to said real property shall have vested in the city pursuant to a resolution adopted by the board of estimate and apportionment, from the date of said vesting; and in default thereof, said persons or parties respectively may at any time or times after application first made by him or them to the comptroller of the city of New York, for payment thereof, sue for and recover the same, with lawful interest, as aforesaid, and the costs of suit. Upon any application to said comptroller the applicant may state that any outsaonding taxes, assessments or other liens may be deducted from the amount otherwise payable to him or them, and in that event, the fact that there are outstanding taxes, assessments or other liens shall not impair or invalidate such application nor operate as a bar to the collection of interest upon the amount awarded less the amount of such outstanding taxes, assessments or other liens. Such fees and expenses shall not be paid until they shall have been taxed by the court upon five days' notice to the corporation counsel and upon proof of the nature and extent of the services rendered and disbursements charged. No unnecessary costs or charges shall be allowed. All costs, fees, expenses or disbursements to be taxed shall be stated in detail in the bill of costs and shall be accompanied by such proof of the reasonableness and necessity thereof as is now required by law and the practice of the court upon taxation of costs and disbursements in other special proceedings or actions in said court. Proof by affidavit shall also be given of the dates of rendering services, and in the case of commissioners and clerks receiving a per diem allowance, the number of hours and parts of an hour necessarily occupied upon each date. No such claim for compensation shall be taxed, allowed or paid unless it be accompanied by a certificate of the comptroller of the city of New York setting forth that the same has been audited and examined, and further certifying the result of such audit and examination. Property owners appearing in proceedings instituted under this act shall not be entitled to recover counsel fees, costs, disbursements or allowances. In any proceeding heretofore or hereafter instituted pursuant to the provisions of this chapter of the Greater New York charter for the acquisition of title to real property by the city of New York in which title thereto shall have become vested in said city by virtue of a resolution of the board of estimate and apportionment, the said board may authorize the comptroller of said city to pay to the person entitled to an award for real property acquired in a proceeding, in advance of the final determination of his damages, a sum to be determined by the board of estimate and apportionment, not exceeding sixty per centum of the amount estimated as damages by the expert or experts employed by the corporation counsel in said proceeding, which amount shall be certified to the comptroller by the corporation counsel. Before any such advance payment shall be made the comptroller shall procure the certificate of the corporation counsel showing that the person, to whom payment is to be made, is the person legally entitled to receive the same.

If the board of estimate and apportionment shall authorize a partial payment in advance to any person entitled to an award, interest on the sum so authorized to be paid in advance shall cease to run on and after a date of five days after such person shall have been notified by mail or otherwise that the comptroller is ready to pay the same. In case the person entitled to an award at the date of the vesting of title to the real property in the city shall have transferred or assigned his claim, such transfer or assignment made by him, or by his successor in interest or legal representative, shall not become binding upon the city of New York unless the instrument or instruments evidencing such transfer or assignment shall have been executed and filed in the office of the comptroller of the city of New York prior to any such advance payment. When any such advance payment shall have been made the comptroller shall, on paying the awards made for the real property acquired, deduct from the total amount allowed as compensation the sum advanced plus interest thereon from the date of the payment of such advance to the date of the final decree or the date of the report of the commissioners, as the case may be, and the balance shall be paid as herein provided. In case an advance payment shall have been authorized and the person entitled thereto shall have been notified by mail or otherwise that the comptroller is ready to make such advance payment, interest on the amount so authorized to be paid in advance from a date five days after notification by the comptroller that he is ready to make such advance payment to the time the person entitled thereo shall accept such advance payment shall be deducted by the comptroller on paying the awards therefor from the total amount allowed as compensation to such person.

In case of the pledge, sale, transfer or assignment of an award by the person entitled to receive the same by virtue of the report of the commissioners or the final decree of the court, as the case may be, or by other order of the court, the instrument evidencing such pledge, sale, transfer or assignment, aeknowledged or proved as instruments are required to be acknowledged or proved for the recording of transfers of real property, shall be filed in the office of the comptroller, who shall indorse on the said instrument its number and the hour, day, month and year of its receipt. If an assignment of an award be contained in an instrument recorded in an office in which instruments affecting real property are by law required to be recorded, a certified copy thereof may be filed in the office of the comptroller in place of the original. An index shall be kept in alphabetical order under the name of the pledgor or assignor and also the pledgee or assignee, stating the title of the proceeding, the time of the filing of the instrument, the file number thereof, and what part of the award is assigned thereby. A memorandum of the file number of the instrument shall be made by the comptroller on the duplicate decree of the court or the duplicate report of the commissioners, as the case may be, opposite the place where the amount of the award so assigned is set forth. Every such instrument not so filed shall be void as against any subsequent pledgee or assignee in good faith and for a valuable consideration from the same pledgor or assignor, his heirs, administrators or assigns, of the same award or any portion thereof, the assignment of which is first duly filed in the office of the comptroller. Payment to the assignee or pledgee shown to be entitled to the award by such record in the office of the comptroller shall protect the city from liability to any other person or persons.

Moneys of Persons Under Disability, How Disposed of; Moneys Paid to Wrong Persons.

Sec. 1439. When an owner in whose favor an award shall have been made in a final decree or in a report of commissioners of estimate and appraisal which has been confirmed by the court, as the case may be, is under legal disability or absent from the city of New York, and when the name of the owner shall not be set forth or mentioned in the final decree or in the report of the commissioners of estimate and appraisal, as the case may be, or when the owner although named in said decree or report cannot, upon diligent inquiry, be found, or where there are adverse or conflicting claims to the money awarded as compensation, the city shall pay such award into court, to be secured, disposed of, invested and paid out as the appellate division of the supreme court in the judicial department in which the real property for which the award was made is situated, shall direct, and such payment shall be as valid and effectual in all respects as if made to the owner. And in default of such payment into court, the city of New York shall be and remain

llable for such award, with lawful interest thereon from the day upon which title to the real property for whieh said award is made vested in said eity. When an award shall be paid to a person not entitled thereto, the person to whom it ought to have been paid may sue for and reeover the same, with lawful intercst and cost of suit, as so much money had and received to his use by the person to whom the same shall have been so paid. Payment of an award to a person named in the final deerce or the report, as the case may be, as the owner thereof, if not under legal disability, shall in the absence of notico in writing to the comptroller of adverse elaims thereto, proteet the eity.

Amendments of defects, et cetera.

See. 1440. The court may at any time amend any defect or informality in any notiee, petition, pleading, order, report or decree in a proccedlng instituted pusuant to this chapter of the Greater New York charter, or cause real property affected by sueh defect, informality or lack of jurisdietion to be excluded therefrom, or other real property affected by such defeet, informality or lack of jurisdiction to be included therein, by amendment, upon ten days' notice, published as provided in this chapter of the Greater New York charter, for the institution of a proceeding, and may direct sueh further notices to be given to any party in interest as it shall deem proper.

Appeal to the appellate division.

See. 1441. The city of New York or any party or person affected by the said proceeding and aggrieved by the final decree of the eourt therein or by the order of the eourt entered on the motion to eonfirm the report of the eommissioners of estimate and appralsal, may appeal to the appellate division of the said court. Such appeal shall be taken and heard in the manner provided by the code of eivil procedure and the rules and praetice of the said court in relation to appeals from orders in special proceedings, and such appeal shall be heard and determined by sueh appellate division upon the merits both as to matters of law and fact. The determination of the appellate division shall be in the form of an order. But the taking of an appeal by any person or persons shall not operate to stay the proeeedings under this aet exeept as to the partieular pareel of real property wlthn whleh the appeal is eoneerned; and the final deeree or the order eonfirming the said report or reports, as the ease may be, shall be deemed to be final and eonclusive upon all parties and persons affeeted thereby who have not appealed. Such appeal shall be heard upon the evidenee taken before the court, or sueh part or portion thereof as the eourt may certify, or upon the evidence taken before the eommissioners, or such part or portion thereof as the court may eertify or the parties to said appeal may agree upon as sufficient to present the merits of the questlons ln respeet to which such appeal shall be had. An appeal taken but not proseeuted within six months after the filing of the notiee of appeal, unless the time wlthin which to proseeute the same shall have been exended by the eourt, shall be deemed to have been abandoned, and no agreement between the parties extending the time within whieh the said appeal may be prosecuted shall vary the provisions hereof.

Appeal to court of appeals authorized.

Sec. 1442. An appeal to the court of appeals may be taken by the city or any person or party interested in the said proceeding and aggrieved by the order of the appellate division. Such appeal shall be taken and heard in the manner provided by the code of eivil proeedure and the rules and praetiee of the eourt of appeals in relation to appeals from orders in speeial proeeedings. An appeal taken but not prosecuted within six months after the filing of the notice of appeal, unless the time within which to proseeute the same shall havc been extended by the court, shall be deemed to be abandoned, and no agreement between the parties to the appeal extending the time to prosecute the same shall vary the provisions hereof. The court of appeals may affirm or reverse the order appealed from and may make such order or direction as shall be appropriate to the ease.

Discontinuance of proeeedings.

See. 1443. The board of estimate and apportionment may diseontinue any legal proeeeding instituted pursuant to the provlsions of this ehapter of the Greater New York charter as to the whole or part of the real property to be aequired in sueh proceeding at any time before title to the real property to be hereby acquired shall have vested in the eity of New York, and may eause new proceedings to be taken for the condemnation of such real property. The resolution of the board declaring any such proeeeding discontinued shall effeet the diseontinuance of such proeeeding. But in ease of sueh diseontinuanee, the reasonable aetual eash disbursements neeessarily incurred and made in good faith by any party interested, shall be paid by the city of New York, after the same shall have been taxed by a justiee of the supreme eourt or by a referee under his speeial order, upon ten days' notiee of sueh taxation belng previously given to the corporation counsel, provided the application to have sueh disbursements taxed shall be made and presented to the eourt within one year after the adoption of the resolution of the board diseontinuing the proceeding. The amounts taxed as disbursements shall be due and payable thirty days after demand for payment thereof shall have been filed with the comptroller.

TITLE II.

PROVISIONS RELATING TO PROCEDURE FOR ASCERTAINMENT OF COMPENSATION BY THE COURT WITHOUT A JURY.

Application to the Court to Condemn.

See. 1444. After the said surveys, maps or plans shall have been filed and the acquisition of the real property authorized by the board of estimate and apportionment, as hereinbefore provided, and said board has, in proeeedings authorized prlor to the first day of January, nineteen hundred and seventeen, determined that the eompensation to be paid to the respeetive owners of the real proprty shall be ascertained by the court without a jury, and ln proceedings authorlzed on and after the first day of January, nineteen hundred and seventeen, the corporation counsel, for and on behalf of the clty of New York, shall eause notice to be published in the "City Reeord" of his lntention to make application to the supreme court, at a time and plaee to be stated in said notiee, to have the compensation whieh should justly be made to the respeetive owners of the real property proposed to be taken, aseertained and determined by the said court without a jury. Said notice shall briefly state the objeet of the application and shall describe generally the real property intended to be taken. Said notice shall be published in ten sueeessive issues of said "City Reeord," and thereafter upon the completion of the publication of said notiee, the corporation counsel shall present to the court a petition signed and verified by the mayor of said city setting forth the action taken by the department, board or officer with referenee thereto, the authorization of the proceedings by a majority vote of all the members of the board of estimate and apportionment, the filing of said survey, map or plan, and of a notice of the pendeney of the proceeding.

Order Granting Application to Condemn; Property Owners to File Claims; Proof of Ownership; Trial of Proeeeding; Court to View.

Sec. 1445. At the time and place mentioned in said notiee, unless the court shall adjourn the said application to a subsequent day, and in that event at the time and plaee to which the same may be adjourned, the court, upon due proof to its satisfaetion of the publication of such notiee and upon filling the said petition, shall enter an order granting the application, which order shall be filed in the office of the elerk of the eounty in which the real property to be aequired is situated. The eorporation eounsel shall cause to be published in ten suecessive issues of the "City Record" a notice containing a goneral deseription of the real property to be acquired, and requiring that all owners thercof shall on or before a date therein specified, file with the clerk of the court of the eounty in whieh sueh real property is situated, a written elaim or demand duly verified in the manner provided by law for the verifieation of pleadings in an aetion, setting forth the real property owned by the claimant and his post-office address. The elaimant or his attorney shall at the same time serve on the corporation eounsel a eopy of sueh verified elaim. The proof of title to the real property to be acquired in all cases where the same is undisputed together with proof of liens or encumbranees thereon shall be submitted by the elaimant to the corporation counsel or to sueh assistant as he shall designate. The corporation eounsel shall serve all parties or their attorneys who have served on him verified claims a notiee of the time and place at which he will reeeive sueh proof of title. In all eases where the title of the elaimant is disputed, it shall be the duty of the court to determine the ownership of sueh real property upon the proof submitted to the court during the trial of the proeeeding. The eourt shall also have power to determine all questions of title ineident to the trial of the proeeeding. After all parties who have filed verified claims as herein provided have proved their title or have failed to do so after being notified by the eorporation eounsel of the time and place whcn and where sueh proof of title would be received by him, the corporation counsel shall serve upon all parties or their attorneys who have appeared in the proceeding a notiee of trial thereof and shall file a note of issue with the elerk of the eourt of the eounty in whieh the trial is to be had. The trial shall be had in sueh eounty within the city of New York and within the judieial distriet in whieh the real property affected by the proceeding is situated as the corporation counsel in the notice of trial shall designate. The notiee of trial shall be served at least ten days before, and the note of issue shall be filed at least elght days before the date for which the same is noticed for trial.

The note of issue shall briefly state the title of the proceeding, the date and place of the entry of the order granting the application to condemn, the names and addresses of the parties who have filed claims, the names and addresses of their respective attorneys, and a brief statement as to the extent of the real property to be acquired. The clerk of the court must thereupon enter the proceeding upon the proper calendar according to the date of the entry of the order granting the application to condemn. When notice of trial has been served and note of issue filed, the proceeding must remain on the calendar until finally disposed of. It shall be the duty of the justice trying any such proceeding to view the real property to be thereby acquired, and if he shall deem a view of the real property in the vicinity of that to be acquired, necessasry or useful, he shall make such view.

Tentative Decree; Notice of Filing Thereof, and That Objections May Be Filed Thereto.

Sec. 1446. The court after hearing such tesimony and considering such proofs as may be offered, shall ascertain and estimate the compensation which ought justly to be made by the city of New York to the respective owners of the real property so acquired for the improvement, and shall instruct the corporation counsel to prepare a transcript of its estimate of damage. Such transcript of estimate shall be accompanied by copies of such maps, diagrams or surveys as may be used by the court and shall refer to the numbers upon the respective maps, diagrams or surveys and shall state the several sums respectively estimated for each of said parcels, with the names of the owners, as far as ascertained, together with all of the affidavits and proofs upon which the same are based. Such transcript shall be signed by the justice trying the proceeding and filed with the clerk of the county in which the real property affected by the proceeding is situated and when so filed shall constitute the tentative decree of the court. Upon the filing of the tentative decree, the corporation counsel shall give daily notice by advertisement in the "City Record" and the corporation newspapers for ten days, of the filing of such tentative decree and that the city of New York and any person or persons whose rights may be affected thereby and who may object to the same, or any part thereof, may, within fifteen days after the first publication of such notice, set forth their objections to the same, in writing, duly verified, in the manner required by law for the verification of pleadings in an action, setting forth the real property owned by the objector and his post office address, and file the same with said clerk. Every party so objecting, or his attorney, shall, within the same time, serve on the corporation counsel a copy of such verified objections. Said notice shall also state that the corporation counsel on the date specified therein, will apply to the justice who made the tentative decree, to fix a time when he will hear the parties so objecting. Upon such application the justice shall fix the time when he will hear the parties so objecting and desiring to be heard. At the time so fixed the justice shall hear the person or persons who have objected to the tentative decree and who may then and there appear and shall have the power to adjourn from time to time until all persons who have filed objections and desire to be heard shall be fully heard.

Final Decree; Preparation Thereof; What to Contain.

Sec. 1447. After considering the objections, if any, and making any corrections or alterations in the tentative decree which the court shall consider just and proper, it shall give instructions to the corporation counsel as to the preparation of the final decree, which shall consist of the tentative decree altered and corrected in accordance with the instructions of the court, together with a statement of the facts conferring on the court jurisdiction of the proceeding and that the amounts set opposite each parcel in the column headed "final awards" constitute the compensation to which the respective owners are justly entitled to receive from the city of New York, and a statement of the respective owners; but in all cases where the owners are unknown, or not fully known to the court, it shall be sufficient to set forth and state in general terms the respective sums to be allowed and paid to the owners, without specifying their names or their estates or interests. The final decree, together with all of the affidavits and proofs upon which the same is based, shall be filed in the office of the clerk of the county where the real property affected by the proceeding is situated. The final decree, unless set aside or reversed on appeal, shall be final and conclusive as well upon the city of New York as upon the owners of the real property mentioned therein, and also upon all other persons whomsoever.

TITLE III.

PROCEEDINGS RELATING TO PROCEDURE FOR ASCERTAINMENT OF COMPENSATION BY COMMISSIONERS TO BE APPOINTED BY THE COURT.

Application for the Appointment of Commissioners.

Sec. 1448. After the said surveys, maps or plans shall have been filed and the acquisition of the real property authorized by the board of estimate and apportionment, as hereinbefore provided, and said board has, in proceedings authorized prior to the first day of January, nineteen hundred and seventeen, determined that the compensation to be paid to the respective owners of the real property shall be ascertained by three commissioners of estimate and appraisal, the corporation counsel for and on behalf of the city of New York shall cause notice to be published in the "City Record" of his intention to make application to the supreme court for the appointment of commissioners of estimate and appraisal, which notice shall specify the time and place of such application and shall briefly state the object of the application and shall describe generally the real property intended to be taken. Said notice shall be published in ten successive issues of said "City Record" and thereafter, upon the completion of such publication, said corporation counsel shall present to the court a petition signed and verified by the mayor of said city, setting forth the action taken by the department, board or officer with reference thereto, the authorization of the proceeding by a majority vote of all the members of the board of estimate and apportionment, the filing of said survey, map or plan and of the notice of the pendency of the proceeding, and praying for the appointment of commissioners of estimate and appraisal. At the time and place mentioned in said notice, unless the said court shall adjourn the said application to a subsequent day, and in that event at the time and place to which the same may be adjourned, the court, upon due proof to its satisfaction of the publication of such notice and upon filing the said petition, shall name three discreet and disinterested persons, being citizens of the United States, all of whom shall be residents in the borough where the real property to be taken is located, as commissioners of estimate and appraisal, for the purpose of performing the duties hereinafter mentioned. Notice of the appointment of the commissioners of estimate and appraisal shall be published in ten successive issues of the "City Record" and the corporation counsel shall cause a copy of such notice to be served by mail or otherwise, any time before the return day specified therein, upon such parties or their attorneys as have filed a notice of claim or of appearance in the proceeding. Said notice shall specify the time and place when and where parties may be heard at a special term of the supreme court as to the qualifications of the persons named as commissioners of estimate and appraisal. The persons named as commissioners shall attend at the time and place appointed and may be examined under oath as to their qualifications to act. They shall be subject to the right of challenge by any person having an interest in said proceeding upon any ground which would disqualify a judge or a juror, and such challenge must be tried and determined by the court, and the determination of the court may be excepted to and reviewed in the manner now prescribed by law in respect to the challenge of jurors. Should the court sustain the challenge to any commissioner, another person must be named or appointed in his stead in the manner hereinafter provided for filling vacancies. The person or persons thus substituted shall be subject to challenge in the same way as above provided for, to be heard and determined by the court at such time and place as the court may direct.

Vacancies Among Commissioners; How Filled; Two Commissioners May Act.

Sec. 1449. In case the court shall sustain a challenge to the qualification of a commissioner, or in case of the failure to qualify, or in case of death, resignation, insanity, disqualification, refusal or neglect to act, or removal of any such commissioner of estimate and appraisal appointed as provided for in this chapter of the Greater New York charter, it shall and may be lawful for the court on application of the city, on notice only to any person interested, who may have appeared on the prior application, to appoint a discreet and disinterested person, being a citizen of the United States and a resident of the borough where the real property to be taken is situated, a commissioner in the place and stead of such commissioner so disqualified, dying, resigning, becoming insane, refusing or neglecting to act, or removed, and the surviving or acting commissioners, as the case may be, shall have power to proceed in the execution of the duties of their appointment until a successor of the commissioner so disqualified, dying, becoming insane, resigning, neglecting or refusing to act, or removed, shall be appointed. Such successor appointed as aforesaid shall possess the same qualifications and be subject to challenge upon the same grounds and in the same general manner as hereinbefore provided for, and the time and place for the qualification of such successor shall be specified in the order appointing him. In every case of the appointment of commissioners of estimate and appraisal by the court aforesaid, it shall be law-

ful for any two of such commissioners so appointed and qualified to proceed and to execute and perform the trust and duties of their said appointment and their acts shall be as valid and effectual as the acts of all the commissioners so appointed if they had acted therein, would have been. In all cases the acts, decisions and proceedings of the major part of such of the commissioners of estimate and appraisal as shall be acting in the premises shall always be as binding, valid and effectual as if the said commissioners named and appointed had all concurred and joined therein.

Commissioners to Take Oath, View the Premises, and Give Notice of Their Appointment.

Sec. 1450. The persons finally appointed commissioners of estimate and appraisal after the trial and determination of any challenge as hereinbefore provided, shall severally take and subscribe an oath or affirmation as prescribed by the thirteenth article of the constitution of this state. Such oath or affirmation shall be filed in the office of the clerk of the county in which the order appointing the said commissioners has been entered. It shall be the duty of all of the commissioners of estimate and appraisal when appointed and qualified in a proceeding, to view the real property to be thereby acquired. The commissioners shall cause to be published in the "City Record" a notice of their appointment, containing a brief statement of the purposes for which they have been appointed, and requiring all parties and persons interested in the real property to be acquired for the public purposes authorized and having any claim or demand on account thereof, to present the same to them, in writing, duly verified, in the manner required by law for the verification of pleadings in an action, setting forth the real property owned by the claimant and the post office address of the claimant, with such affidavit or other proof as the owners or claimants may desire, within ten days after the date of such notice, and stating the time and place after the expiration of said ten days when the said parties and persons shall be heard in relation thereto by the said commissioners. At the time and place specified in said notice, or at any such further or other times and places as the said commissioners may appoint, the said commissioners shall hear such owners and examine the proof of such claimant or claimants and such additional proof and allegations as may then be offered by such owners, or on behalf of the city of New York.

Powers of Commissioners' Transcript of Estimate; Objections Thereto; Report; Presentation Thereof to Court.

Sec. 1451. The commissioners of estimate and appraisal appointed in any proceedings may issue subpoenas and administer oaths to witnesses. The said commissioners of estimate and appraisal shall make report of their proceedings to the supreme court with the minutes of the testimony taken by them and with the minutes of the proceedings, if any, relating to the challenge of any commissioner, within six months from the date of the filing of their oath, as hereinbefore provided, under penalty of forfeiting all fees to which they would be entitled, unless an extension of time be given to them by the supreme court, which extension shall only be granted in the discretion of the court, upon a written petition containing a full statement by such commissioners of the reasons necessary for such an extension, and upon five days' notice to the corporation counsel and to the parties or their attorneys, who have appeared in said proceeding. Upon such application, the court shall have power to make such order in the premises in respect to the time and manner of completing the report of such commissioners, and in respect to the taking and submission of the proofs of the parties interested, and the number and length of the hearings to be held in each week as will enable or require the commissioners to complete said proceeding on their part with reasonable despatch, and if it shall appear that the said proceeding has been delayed by reason of the inattention, neglect or refusal of said commissioners, or any of them, to act or attend, the court may remove the commissioner or commissioners so neglecting or refusing, and appoint a suitable person or persons in his or their place. The said commissioners of estimate and appraisal, before they present their report to the supreme court, shall deposit a transcript of their estimate of compensation in the office of the department, board, body or officer which, upon acquisiton of the title to the real property being acquired, will have jurisdiction thereof, for the inspection of whomsoever it may concern, and shall cause to be published in ten successive issues of the "City Record" after depositing such transcript of estimate, a notice of the said deposit thereof in said office, and any person or persons whose rights may be affected thereby and who may object to the same, or any part thereof, may, within fifteen days after the first publication of such notice, set forth their objections to the same in writing, duly verified in the manner required by law for the verification of pleadings in an action, setting forth the real property owned by the objector and his post office address to the said commissioners, who shall, after hearing the parties so objecting, thereupon reconsider their said estimate, or the part or parts thereof so objected to, and in case the same shall appear to them to require correction, but not otherwise, they shall and may correct the same accordingly. Every party so objecting, or his attorney, shall, within the same time, serve on the corporation counsel a copy of such verified objections. After the commissioners shall have offered the parties interested an opportunity to file and make objections as aforesaid, they shall make their report, which shall contain a reference to the map, plan or survey, showing the exact location and boundaries of each parcel, a statement of the sum estimated and determined upon by them as the just and equitable compensation to be made by the city to the owners of each parcel so taken, and the respective owners. But in all cases where the owners are unknown or not fully known to the commissioners, it shall be sufficient to set forth and state in general terms the respective sums to be allowed and paid to the owners, without specifying the names of, or the estates or interests of such owners. Said report, signed by said commissioners or a majority of them, shall be filed in the office of the department, board, body or officer which, upon acquisition of the title to the real property being acquired, will have jurisdiction thereof, and a duplicate of said report shall be filed in the office of the clerk of the county where the real property is situated, and thereupon, the corporation counsel, or in case of his neglect to do so within ten days after such filing, then any person interested in the proceeding, shall give notice that the said report will be presented for confirmation to the supreme court, at a term thereof held within the city of New York and within the judicial district in which the real property affected by the proceeding is situated, at a time and place to be specified in said notice. The said notice shall contain a statement of time and place of the filing of the report, and shall be published in ten successive issues of the "City Record" immediately prior to the presentation of said report for confirmation, and a copy of said notice shall be served, by mail or otherwise, upon the attorney for each party who may have appeared in said proceeding, at least five days prior to the presentation of said report for confirmation.

Confirmation of report; payment of awards with interest; fees of commissioners.

Sec 1452. Upon the hearing of the application for the confirmation of the said report, signed by the said commissioners, or a majority of them, the said supreme court shall, by order, after hearing any matter which may be alleged against the same, either confirm said report in whole or in part or refer the same back to the same commissioners for revisal and correction or to new commissioners, to be appointed by the said court, to reconsider the subject-matter thereof, and the said commissioners to whom the said report shall be so referred, shall return the said report corrected and revised, or a new report, to be made by them as aforesaid in the premises, to the said court, without unnecessary delay, and the same on being so returned, shall be confirmed or again referred by the said court, as justice shall require, and such report when confirmed by said court, in whole or in part, shall be final and conclusive, as well upon the said city as upon the owners of the real property mentioned in said report and also upon all other persons whomsoever. And thereupon, the said city, acting by and through the department, board, body or officer which, upon the acquisition of the title of said real property will have jurisdiction thereof, shall take immediate possession of such real property without suit or other judicial proceedings. Each commissioner appointed under and by virtue of this chapter of the Greater New York charter who shall enter upon the duties of his appointment shall be entitled to receive upon the confirmation of the report or other determination of the proceeding not exceeding ten dollars for each day upon which he attends a meeting of said commissioners and is actually and necessarily employed in the performance of the duties imposed upon the commissioners by this act at the offices provided for such commissioners or at a meeting of the commissioners to view the premises.

Proceedings excepted from provisions of this chapter.

Sec. 1453. The provisions of this chapter of the Greater New York charter shall not apply to any proceedings to acquire real property for the purpose of opening any streets, avenues, public places, parks, parkways, or for the improvement of the waterfront of the city, or for ferry purposes, or drains, or sewers, or for water suppy purposes, or to any prowater supply purposes, or to any prosions of chapter ten hundred and six of the laws of eighteen hundred and ninety-five.—As amended by Chapter 596, Laws of 1915.

CHAPTER XXII.

THE STREETS.

(Secs. 1454 to 1457, in force until changed by the board of aldermen, are to be found at the end of this charter.)

Stages and omnibuses; consents of property owners necessary before franchise granted.

Sec. 1458. No stage or omnibus route or routes for public use, or any alteration or extension thereof, or any alteration or extension of any existing stage or omnibus route, shall hereafter be put in operation in or upon any street, avenue, park, parkway, bridge or public ground within The City of New York until and unless a franchise or right therefor shall be obtained from the board of estimate and apportionment in like manner as, and subject to the limitations and conditions relating to, franchises or rights in this charter provided and imposed.

2. No provision of any law, whether general, public, private or local, inconsistent with this act, shall have application to any stage or omnibus route, or to any alteration or extension thereof for which a franchise or right therefore shall hereafter be granted.

3. Sections fourteen hundred and fifty-nine, fourteen hundred and sixty and fourteen hundred and sixty-one of said charter are hereby repealed. [As amended by Laws of 1913, Chap. 769.]

(Secs. 1462 to 1466 and 1472 to 1487, in force until changed by the board of aldermen, are to be found at the end of this charter.)

Regulating and licensing public dancing academies.

Sec. 1488. The words "public dance hall," when used in this title, shall be taken to mean

Any room, place or space in The City of New York in which dancing is carried on and to which admission can be had by payment of a fee, or by the purchase, possession or presentation of a ticket or token, or in which a charge is made for caring for clothing or other property, other than a hotel having upwards of fifty bedrooms, or

Any room, place or space in The City of New York, located upon premises which are licensed to sell liquors, other than a hotel having upwards of fifty bedrooms, in which dancing is carried on and to which the public may gain admission, either with or without payment of fee.

The word "dancing" as used in this and the succeeding sections shall not apply to exhibitions or performances in which the persons paying for admission do not participate.—Added by Chap. 547, Laws 1910.

Public Dance Hall Dancing Academy Forbidden Without License.

Sec. 1489. No public dance hall shall be conducted nor shall dancing be taught or permitted in any public dance hall unless it shall be licensed pursuant to this act and the license be in force and not suspended. Any person violating this section shall be guilty of a misdemeanor. —Added by Chapter 547, Laws 1910.

Public Dance Hall; License of; Requirements.

Sec. 1490. All public dance halls shall be licensed by the mayor or other licensing authority of The City of New York; the fee for each such license shall be fifty dollars for each year or fraction thereof. All licenses issued on or between the first day of April and the thirtieth day of September of any year shall expire on the thirty-first day of March of the succeeding year. All licenses issued on or before the first day of October and the thirty-first day of March of any year shall expire on the thirtieth day of September of the succeeding year. No license shall be issued unless the place for which it is issued complies with all laws, ordinances, rules and the provisions of any building code applicable thereto and is a safe and proper place for the purpose for which it shall be used, properly ventilated and supplied with sufficient toilet conveniences. Every licensed public dance hall shall post its license at the main entrance to its premises.—Added by Chapter 547, Laws 1910.

No License Without Report After Inspection.

Sec. 1491. No license shall be issued until the licensing authority shall have received a written report of an inspector that the building or premises to be licensed complies with section fourteen hundred and ninety of this title. No license shall be renewed except after reinspection by the licensing authority Additional inspection of every licensed place may be made under the direction of the licensing authority. All inspectors shall be permitted to have access to all public dance halls at all reasonable times and whenever they are open for dancing, instruction in dancing or for any other purpose. Inspectors shall be required to report all violations. All reports shall be in writing and shall be filed and made public records.—Added by Chapter 547, Laws 1910.

Public Dance Halls; Sale of Liquors Therein.

Sec. 1492. Dancing shall not be permitted in any place in The City of New York licensed to sell liquors, except in a hotel having upwards of fifty bedrooms, unless such place shall also be licensed under section fourteen hundred and ninety. Violation of this provision shall be deemed a violation of the liquor tax law with respect to such premises. No liquors shall be sold, served or given away, in any public dance hall in which dancing is advertised to be taught, or in which classes in dancing are advertised to be maintained, or in which instruction in dancing is given for hire; or in any room connected with such hall. The word "liquors" as used in this section shall be construed as defined in the liquor tax law of this state.

The licensing authority shall immediately notify the state commissioner of excise of the granting or renewal or revocation or forfeiture of any license issued under this title to any place or premises which are licensed to sell liquor.—Added by Chapter 547, Laws 1910.

License; When Forfeited or Revoked.

Sec. 1493. The license of any public dance hall may be forfeited for habitual disorderly or immoral conduct permitted on the premises and shall be forfeited on conviction of any person for violation of section fourteen hundred and ninety-two of this act, or upon the conviction of any person for violation of section fourteen hundred and eighty-four or section eleven hundred and forty-six of the penal law in or with respect to the premises of any public dance hall. The license of any public dance hall may be revoked by the licensing authority whenever the licensed premises do not comply with section fourteen hundred and ninety of this act, provided that the licensee or person in charge shall be served with a copy of the report or complaint. In any case where a license is revoked or where the licensing authority refuses to renew a license, reasons for the action must be stated in writing and shall be public records. Should the license of any place have been revoked twice within a period of six months, no new license shall be granted to such place for a period of at least one year from the date of the second revocation.—Added by Chapter 547, Laws 1910.

Inspectors of dancing academies; appointment of.

Sec. 1494. The mayor or licensing authority of The City of New York may appoint such inspectors and other officials necessary to carry out the provisions of sections fourteen hundred and eighty-nine, fourteen hundred and ninety, fourteen hundred and ninety-one, fourteen hundred and ninety-two and fourteen hundred and ninety-three as may be authorized by the board of estimate and apportionment of the city or authority having the right to appropriate public money. The money paid for licenses under this act shall be applied toward the payment of the salaries of the inspectors appointed hereunder. Any deficiency and any other expense of carrying this act into effect until appropriation can be made therefor shall be met by the issue of special revenue bonds of the city. The inspectors to be appointed under this section shall be designated as inspectors of public dance halls.—Added by Chapter 547, Laws 1910.

CHAPTER XXIII.

GENERAL STATUTES.

Title 1. Commercial paper during epidemic.
Title 2. Board of city record.
Title 3. General provisions.
Title 4. Coroners.

TITLE 1.

COMMERCIAL PAPER DURING EPIDEMIC.

Persons, etc., in infected district may have names, etc., registered by city clerk.

Sec. 1499. Whenever the board of health shall, by public notice, designate any portion or district of The City of New York as being the seat of any infectious or contagious disease, and declare communication with such portion or district dangerous, or shall prohibit such communication, it shall be the duty of the city clerk during the continuance of such disease in such district, to provide and keep in his office a book for the purpose of registering in alphabetical order, the names, firms and places of business of any inhabitant of the city who shall desire such registry to be made.

Id.; must register place at which commercial paper to be presented.

Sec. 1500. It shall be the duty of all persons and firms usually resident or doing business within such infected district to register, in the books so provided by the said city clerk, their names or firms, with the place or places out of such infected district, but within The City of New York to which they may have removed the transaction of their business, or to which they may desire any notices to be sent or served, or any notes, drafts or bills to be presented for acceptance or for payment. The sum of twenty-five cents may be claimed and received by the said clerk for every such registry; but the book in which the same shall be entered shall be at all times during office hours, open to public examination, free of all charges.

Commercial paper may be presented at place designated.

Sec. 1501. During the continuance of any such disease in such infested district, all drafts, notes and bills, which by law are required to be presented for acceptance or for payment, may be presented for such purpose at the place so designated in such registry, and all notices of non-acceptance and non-payment of any note, draft or bill, or of protest for such non-acceptance or non-payment, may be served by leaving the same at the place so designated.

On failure to register, commercial paper may be presented to city clerk.

Sec. 1502. In case any person or firm usually resident or doing business within such infected district shall neglect to make and cause to be entered in the book so provided, the registry herein required, all notes, drafts or bills which by law are required to be presented to such person or firm for acceptance or for payment, may be presented to the said city clerk during the continuance of such disease, at any time during office hours, and demand of

acceptance or payment thereof may be made of the said clerk, to the same purpose and with the same effect as if the same had been presented and acceptance or payment demanded of such person or firm at their usual place of doing business.

On failure to register, notice of protest, etc., may be served by leaving at post-office.

Sec. 1503. In case of the omission to make the registry herein required, all notices of the nonacceptance or nonpayment of any note, draft, or bill, or of protest for such nonacceptance or nonpayment, may be served on any person or firm usually resident or doing business within such infected district, by leaving the same at one of the post-offices for the said city, which service shall be as valid and effectual as if the notices had been served personally on such person or one of such firm at his or their usual place of doing business.

When epidemic deemed to have subsided.

Sec. 1504. Whenever proclamation shall be made by the board of health or other proper authority of the city, that an infectious or contagious disease in any such infected district has subsided, it shall be deemed to have subsided for all purposes contemplated in this title.

TITLE 2.

A BOARD OF CITY RECORD.

City Record, board of; publication and contents; newspapers to be designated in which corporation notices to be advertised.

Sec. 1526. There shall be published, daily, Sundays and legal holidays excepted, under a contract to be made as hereinafter provided, a paper to be known as the City Record. And said City Record, and the newspapers now by law designated as corporation newspapers in the present city of Brooklyn, shall be the only papers to be included within the term corporation newspapers as the same is used anywhere in this act; but no notice of advertisement shall be inserted in any of said newspapers now by law designated as corporation newspapers in said city of Brooklyn, except such as respect matters occurring within or relating to the borough of Brooklyn exclusively, and the aggregate amount to be paid to said newspapers now designated by law as corporation newspapers, in said city of Brooklyn, for the publication of all advertisements provided for by this act, shall never exceed in any year, the sum now agreed to be paid to said newspapers annually of said city of Brooklyn. The mayor, corporation counsel and comptroller shall constitute the board of city record. Said board, by a majority vote, shall appoint a proper person together with such assistants as may be required, to supervise the preparation and publication of the same, and they shall also fix the rates of compensation of said supervisor and his assistants. All the expenses connected with its publication and distribution, except the salary of the person appointed to supervise the same, and the salaries of his assistants, shall be covered by a contract for printing, to be made in the same manner as other contracts. The board of estimate and apportionment shall provide for all the necessary expenses of conducting the said City Record. There shall be inserted in said City Record nothing aside from such official matters as are expressly authorized. The contract for the publication of the City Record shall provide for furnishing, free of charge, to The City of New York, not more than two thousand copies thereof; also for a gratuitous distribution to every newspaper regularly printed in The City of New York, when it shall apply for the same, of two copies, and to every public library or public institution in said city which shall apply for the same, of one copy. Copies of the same shall be sold by the supervisor at a price to be fixed by the officers making the contract, and the proceeds thereof shall be paid over to the city. All advertising required to be done for the city, except as in this act otherwise specially provided, and all notices required by law or ordinances to be published in corporation papers, shall be inserted, at the public expense, only in the City Record, and a publication therein shall be a sufficient compliance with any law or ordinance requiring publication of such matters or notices; but there may be inserted in two morning and two evening, and two weekly or semi-weekly papers published in the English language, and in one paper published in the German language, and in one paper published in the French language, all in said city to be designated at any time by said board of city record, brief advertisements, calling attention to any contracts intended to be awarded or bonds to be sold, and referring for full information to said City Record; said designation of such newspapers to continue in effect until another or different designation shall be made by said board. Where such notices and advertisements respect matters occurring within or relating to the borough of Brooklyn, they shall also be published in such newspapers as are now by law designated as corporation newspapers in the city of Brooklyn, the rates of payment therefor, not to exceed the compensation now paid to said newspapers for like advertisements in the city of Brooklyn or county of Kings. The board of city record may designate such newspapers, magazines, journals or periodicals for the purpose of publishing advertisements for internes and pupil nurses, as may be requested by the head of a department. In case, however, of the sale of bonds or stocks of said city or of any real estate belonging to the city, such advertisement may be also inserted in such other newspapers published in said city as said board may determine in the case of each sale. But nothing herein contained shall prevent the publication elsewhere of any advertisement required by law; provided, however, that no such publication shall be made unless the same is authorized by concurrent vote of the members of said board. No money shall be paid from the city treasury, and no action shall be maintained and no judgment obtained against the city of New York, as constituted by this act, for any advertising done after April thirtieth, eighteen hundred and seventy-three, except such as is therein authorized or such as at the time this act takes effect is a lawful charge against a municipal or public corporation or part thereof, hereby consolidated with the mayor, aldermen and commonalty of The City of New York. The copies of the City Record furnished to the city shall be distributed to the several departments and officers, to such persons and in such manner as the board of city record shall direct. The comptroller shall cause a continuous series of the City Record to be bound as completed quarterly, and to be deposited with his certificate thereon, in the office of the register of deeds of the county of New York, in the county clerk's office of said county, and in the office of the city clerk, and copies of the contents of any part of the same, certified by such register, county clerk, or city clerk, shall be received in judicial proceedings as prima facie evidence of the truth of the contents thereof. [As amended by Laws of 1913, Chap. 686.]

Supervisor of City Record to arrange lists of registered voters.

Sec. 1527. It shall be the duty of the supervisor of the City Record to cause the list of registered voters, made and delivered by the chairman of the boards of inspectors of election to the captains of police, and by them delivered to him, to be arranged by assembly districts, and by election districts of assembly districts, commencing with the first, and in such manner that the names of all registered voters residing at any given number of any street shall appear together, and those of each street in each election district shall appear arranged by house numbers, in consecutive order, each street separately. And as soon as the entire registry of voters shall be completed, and the copies thereof made and delivered, the said supervisor shall forthwith cause the same to be printed and published in the City Record, and in the form and manner herein prescribed; and such publication shall be made within one hundred and eight hours after the close of each annual registration. The registry of each assembly district shall be printed separately as a supplement to the City Record, and each supplement containing the registry of one assembly district shall be sold separately to persons wishing to purchase the same at not less than five cents per copy. All money received therefor shall be paid into the city treasury to the credit of the general fund. It shall be the duty of the supervisor of the City Record to cause the annual record of the assessed valuation of real estate, made and delivered to him, by the board of taxes and assessments, to be printed in type not smaller than nonpareil, and published in the City Record; and such publication shall be made within ninety days after the delivery to him of the said annual record. The annual record of the assessed valuation of real estate of each section, district or ward, shall be printed separately as a supplement to the City Record. On each supplement shall be printed the number of the section, district or ward, therein contained, its boundaries or an outline map, and the name of the borough in which it is situated. Each supplement containing the assessed valuation of real estate of one section, district or ward, shall be sold separately to persons wishing to purchase the same at a price for each supplement to be determined by the board of City Record; such number of copies shall be published as said board shall determine. All moneys received therefor shall be paid into the city treasury to the credit of the general fund.—As amended by Laws of 1903, Chapter 454.

Printing and stationery to be supplied by contract; City Record to print certain matters.

Sec. 1528. All printing for said city and for the counties contained within its territorial limits, including the printing of the City Record, shall be executed and all stationery shall be supplied, under contracts, to be entered into by the said board of City Record. All proposals for printing and stationery shall be based upon specifications to be filed in the comptroller's office, which shall set forth with accuracy the number of every description of printed blanks; also each description of stationery or blank books in ordinary use in the board of aldermen and the respective departments, and likely to be required during the year for which such contract is to be given, and the bids shall be given for such numbers of each printed description of blanks or of each article of stationery (including under the head of stationery, letter or writing paper, or envelopes, with printed headings or indorsements) as are specified, and for such additional number as may be required, giving the price for blanks of every description, and the price

of all other printing "per thousand ems," or for "rule and figure work"; separate contracts shall be made with the lowest bidder for any one description of printing, or any article of stationery, involving an expense of more than five hundred dollars. Ten per centum of the amount becoming due, from time to time, shall be withheld by the comptroller until the completion of the contract; and in case the contractor shall fail to fulfill the same to the satisfaction of said board of city record, then said board may declare said contract to be annulled, and said board shall immediately give notice for other bids for such printing during the remainder of the term of contract. No judgment shall be recovered against The City of New York as constituted by this act, for printing or stationery done or furnished after April thirteen, eighteen hundred and seventy-three, ostensibly for The City of New York as heretofore known and bounded, unless done or furnished under a contract where, under the provisions of chapter three hundred and thirty-five of the laws of eighteen hundred and seventy-three, or of the laws in force at the time this act takes effect or of this act, a contract was or is necessary, or under a valid contract, or unless upon evidence of a contract made as provided in this section. Separate contracts may be made at any time for engraving, lithographing, wood-cuts, maps, or other picture work, as the same may be required; but nothing herein contained shall be construed to require a separate contract for each engraving, lithograph, or wood-cut, or map, unless the board of City Record shall deem the same advisable for the interest of the city. No more than two thousand copies of any message of the mayor, or report of any head of a department, and no more than one thousand copies of any report of a committee of the board of aldermen shall be printed apart from the City Record. There shall be published in the City Record within the month of January and within the month of July in each year a list of all the officials and employes employed in any of the departments, bureaus or offices of the city government, and of the counties therein contained, who have been or have become such officials or employes during the preceding six months. Said list shall contain the name, residence by street numbers, nature of position or service, date of entrance into the service or employment, date of cessation of such service or employment, if such has occurred during said period, salary or wages, and a distinct statement of the increase or decrease thereof during said period of each of said officials or employes. All changes of such officials or employes, or the amount of their salaries, with a distinct statement of the increase or decrease thereof, shall be so published within one week after they are made. It shall be the duty of all heads of departments or bureaus, or offices not in a department, to furnish to the person appointed to supervise the publication of the City Record, everything required to be inserted therein. It shall be the duty of the said person appointed to supervise the publication of the City Record, on or before the first days of February and August respectively in each year, to certify to the comptroller that the several lists so required to be furnished have been furnished to him by said heads of departments, bureaus, or offices, and the comptroller is hereby forbidden to pay the salary of any such head of department, bureau or office who has not furnished such list until the receipt by said comptroller of such certificate. The said person shall have the power to make requisition in writing upon the heads of departments to furnish the information necessary to make up such list according to the rules prescribed by him and approved by the board of City Record; and such information must be supplied by the department within ten days after such requisition. He shall have power to require such information in the same manner, every three months, and all other information in the control of said heads of departments, necessary to perform his duties, under this section. He shall include in his list the number of laborers, designating the department in which they are employed, and, if practicable, the numbers employed in the prosecution of specific works, and the amounts paid to them. He shall also cause to be printed in each issue of said City Record a separate statement of the hours during which all public offices in the city are open for business, and at which each court regularly opens and adjourns, as well as of the places where such offices are kept and such courts are held. The detailed canvass of votes, at every election, shall be published in the City Record. A list of the registered plumbers shall be published in the City Record at least once in each year. The mayor may order the insertion of any official matter or report in the City Record. Nothing herein contained shall apply to the printing or supplies of stationery for The City of New York, as constituted by this act, where by the concurrent vote of the mayor, counsel to the corporation and comptroller, it shall be decided to have such printing done or such stationery furnished without contract let after advertisement for bids or proposals, but in such cases such printing shall be done and such stationery procured in the manner and on such terms and conditions as the said officers shll deem to be for the best interests of the city.

TITLE 3.

GENERAL PROVISIONS.

Officers; not to be interested in contracts.

Sec. 1533. No member of the board of aldermen, head of department, chief of bureau, deputy thereof or clerk therein, or other officer of the corporation, shall be or become interested, directly or indirectly, as contracting party, partner, stockholder or otherwise, in or in the performance of any contract, work, or business, or the sale of any article, the expense, price or consideration of which is payable from the city treasury, or by any assessment levied by any act or ordinance of the board of aldermen; or in the purchase or lease of any real estate or other property belonging to or taken by the corporation, or which shall be sold for taxes or asssessments, or by virtue of legal process at the suit of the said corporation. If any person in this section mentioned shall, during the time for which he was elected or appointed, knowingly acquire an interest as above described in any contract or work with the city, or any department or officer thereof, unless the same shall be devolved upon him by law, he shall, on conviction thereof, forfeit his office and be punished for misdemeanor. All such contracts in which any such person is or becomes interested as above described shall, at the option of the comptroller, be forfeited and void. No person in this section named shall give, or promise to give, any portion of his compensation, or any money or valuable thing to any officer of the city, or to any other person, in consideration of his having been or being nominated, appointed, elected or employed as such officer, agent, clerk or employe, under the penalty of forfeiting his office and being forever disqualified from being elected, appointed, or employed in the service of the city, and shall on conviction be punished for a misdemeanor.

Id.; may be summarily examined.

Sec. 1534. Any member of the board of aldermen, commissioner, head of department, chief of bureau, deputy thereof or clerk therein, or other officer of the corporation or person, may, if a justice shall so order, be summarily examined upon an order to be made on application based on an affidavit of the mayor or of the comptroller, or any five members of the board of aldermen or any commissioner of accounts, or of any five citizens who are taxpayers, requiring such examination, and signed by any justice of the supreme court in the first or second judicial departments directing such examination to be publicly made at the chambers of said court in either of said judicial departments, or at the office of said department, on a day and hour to be named, not less, however, than forty-eight hours after personal service of said order. Such examination shall be confined to an inquiry into any alleged wrongful diversion or misapplication of any moneys or fund, or any violation of the provisions of law, or any want of mechanical qualifications of any inspectorship of public work, or any neglect of duty in acting as such inspector, or any delinquency charged in said affidavit touching the office or the discharge or neglect of duty of which it is alleged in the application for said order that such member of the board of aldermen, head of department or other aforementioned officer or person has knowledge or information. Such member of the board of aldermen, commissioner, head of department, clerk or other aforesaid officer or person shall answer such pertinent questions relative thereto, and produce such books and papers in his custody or under his control as the justice shall direct, and the examination may be continued from time to time, as such justice may order, but the answer of the party charged shall not be used against him in any criminal proceeding; provided, however, that for all false answers on material points he shall be subject to the pains and penalties of the crime of perjury. The proceedings may be continued before any other justice in said judicial department, and other witnesses, as well as the parties making such application, may, in the discretion of said justice, be compelled to attend and be examined touching such alleged delinquencies. Such justice may punish any refusal to attend such examination or to answer any questions pursuant to his order, as for a contempt of court, and shall have as full power and authority to enforce obedience to the order or directions of himself or any other justice, as any justice of the supreme court may now have, or shall possess, to enforce obedience or to punish contempt in any case or matter whatever and shall impose costs upon those promoting such an examination, not exceeding two hundred and fifty dollars, if he thinks there was no probable cause for making the application hereinbefore provided for, the said costs to be paid to the officer or person examined, and for which the said officer or person may have judgment and an execution. The examination hereinbefore provided for shall be reduced to writing, and be filed in the office of the county clerk of such county within the first or second judicial departments as the judge making the order for the examination shall direct at the time of making such order, and the examination so reduced to writing and filed shall be at all reasonable times accessible to the public and notice of the same shall be given to the department in which said officer is employed.

Barber shops may be open on Sunday.

Sec. 1535. The provisions of an act to regulate barbering on Sunday, being chapter eight hundred and twenty-three of the laws of eighteen hundred and ninety-five, permitting barber shops or other places where a barber is engaged in shaving, hair cutting or other work of a barber, to be kept open, and the work of a barber to be performed therein until one o'clock of the afternoon of the first day of the week in The City of New York, as hereto-

fore known and bounded, shall be applicable to and be in full force and effect in all of the territory of The City of New York, as constituted by this act.

Secs. 1536 and 1537. Repealed by Act of 1901.

Territorial operation of contracts, grants and franchises not extended.

Sec. 1538. This act shall not extend the territorial operation of any rights, contracts or franchises heretofore granted or made by the corporation known as the mayor, aldermen and commonalty of The City of New York, or by any of the municipal and public corporations which by this act are united and consolidated therewith, including the counties of Kings and Richmond, and the some shall be restricted to the limits respectively to which they would have been confined if this act had not been passed; nor shall this act in any way validate or invalidate or in any manner affect such grants, but they shall have the same legal validity, force, effect and operation, and no other or greater than if this act had not been passed.

Price of gas in Richmond and Queens counties.

Sec. 1539. The price of illumiuating gas in the county of Richmond, and in the county of Queens, shall not be affected by this act.

Creating cemeteries in Queens and Richmond Counties prohibited.

Sec. 1539-a. After this section as hereby amended takes effect, no person, association or corporation shall take by deed, devise or otherwise any land in the counties of Queens or Richmond for cemetery purposes, nor set apart or use any ground for cemetery purposes in either such counties. Existing cemetery associations and corporations, however, shall have the right to use for cemetery purposes, land lawfully taken by recorded deed, or devise and set apart for cemetery purposes or for the purposes of the convenient transaction of their general business, prior to or used therefor, at the time this act takes effect, aud all lands taken by a recorded deed and actually set apart for cemetery purposes prior to June twenty-fifth, nineteen nundred and ten.—As amended by Laws 1912, Chapter 463.

Platting of lands and dedication of streets and public places.

Sec. 1540. No map of the subdivision or platting of land into streets, avenues or public places and blocks within the limits of the city of New York shall hereafter be received for filing in the office in which instruments affecting real property are required to be recorded in the county in which the land is situated unless such map shall have been approved and transmitted to the board of estimate and apportionment by the president of the borough in which the land shown on such map is situated and unless such map approved by the president of the borough has been also approved by the board of estimate and apportionment, or that board has failed to take action thereon as hereinafter provided. The board of estimate and apportionment may in its discretion authorize its chief engineer to consider and approve or disapprove such map in its behalf, but if such map is disapproved by the chief engineer an appeal may be taken at any time to the board and its action on such appeal shall be final. Unless such map is either approved or disapproved by the board of estimate and apportionment or its chief engineer within twenty-one days of its reception in the office of the secretary of the board, approved by the president of the borough, the secretary of the board shall certify such fact in writing upon such map and such map shall be received for record without such approval. Every such map shall be prepared, approved and certified in quadruplicate and shall be filed as follows: one copy thereof, as above provided, in the office in which conveyances of real estate are required to be recorded in the county in which the land shown thereon is situated; one copy thereof in the office of the corporation counsel; and one copy thereof in the office of the president of the borough in which the land shown on the map is situated, and one copy thereof in the office of the secretary of the board of estimate and apportionment. No street, avenue, highway or public place, the layout of which has not been approved as provided in this section, shall be deemed to have been accepted by the city of New York as a street, avenue, highway or public place, unless such street, avenue, highway or public place shall lie within the lines of a street, avenue, highway or public place shown upon the duly adopted and filed final map of the city of New York.—As amended by Laws of 1916, Chapter 513.

Majority of boards or departments; quorum; powers.

Sec. 1541. A majority of the members of a board in any department of the city government, and also of the board for the revision of assessments, shall constitute a quorum to fully perform and discharge any act or duty authorized, possessed by, or imposed upon any department or any board aforesaid, and with the same legal effect as if every member of any such board aforesaid had been present, except as herein otherwise specially provided. Each board may, except as herein otherwise provided, choose, in its own pleasure one of its members who shall be its president, and one who shall be its treasurer, and may appoint a chief clerk or secretary. No expense shall be incurred by any of the departments, boards or offices thereof, unless an appropriation shall have been previously made covering such expense, nor any expense in excess of the sum appropriated in accordance with law. This restriction shall not apply to contracts for the purchase of coal which contracts shall not extend for a longer period than one year.—As amended by Chapter 543, Laws 1910.

Expenses not to exceed appropriation.

Sec. 1542. It shall be the duty of the heads of all departments aud of all officers of said city, and of all boards and officers charged with the duty of expending or incurring obligations payable out of the moneys raised by tax in said city, or any of the counties contained within its territorial limits, so to regulate such expenditures for any purpose or object, that the same shall not in any one year exceed the amount appropriated by the board of estimate and apportionment for such purpose or object; and no charge, claim or liability shall exist or arise against said city, or any of the counties contained within its territorial limits, for any sum in excess of the amount appropriated for the several purposes. It shall be lawful, however, for the board of estimate and apportionment in its discretion, and upon the certificate of the district attorney of any such county that the public interests demand for the proper conduct of a criminal action of exceptional difficulty that an additional appropriation be made for that purpose, to make such appropriation and to authorize the comptroller to issue special revenue bonds to provide the necessary means therefor.

Board of health, etc.

Sec. 1542-a. The board of health, the board of trustees of Bellevue and allied hospitals, the commissioner of public charities, and the commissioner of correction are, and each of them hereby is, authorized, when in its or his judgment it may seem proper, to cause to be removed for medical or surgical treatment in any public or private hospital within The City of New York any nurse or physician who may be employed in any of the hospitals within the charge and control of any of said boards or commissioners, respectively, and who may become ill or disabled on account of any contagious or infectious disease contracted while in the performance of service as such nurse or physician. The reasonable expense incurred for said medical or surgical treatment, together with maintenance, shall, upon certificate of any of said boards or commissioners respectively be a charge against The City of New York. The comptroller is hereby authorized to audit and pay charges which may be so certified by any of said boards or commissioners respectively to have been incurred since January first, nineteen hundred and nine and which may hereafter be certified by any of said respective boards or commissioners respectively for the foregoing purposes; and to provide the means necessary to make such payments the comptroller is hereby authorized to issue special revenue bonds in the manner provided by section one hundred and eighty-eight, subdivision seven, of this act.—As amended by Chapter 267, Laws 1910.

Heads of departments; control over subordinates; removal.

Sec. 1543. The heads of all departments and all borough presidents (except as otherwise specially provided) shall have power to appoint and remove all chiefs of bureaus (except the chamberlain), as also all clerks, officers, employes and subordinates in their respective departments, except as herein otherwise specially provided, without reference to the tenure of office of any existing appointee. But no regular clerk or head of a bureau, or person holding a position in the classified municipal civil service subject to competitive examination, shall be removed until he has been allowed an opportunity of making an explanatiou; and in every case of a removal, the true grounds thereof shall be forthwith entered upon the records of the department or board or borough president, and a copy filed with the muuicipal civil service. In case of removal, a statement showing the reason therefor shall be filed in the department The number of all officers, clerks, employes, laborers and subordinates in every department shall be such as the heads of the respeetive departments and borough presidents shall designate and approve, not exceeding the number limited by any ordinance of the board of aldermen. The duties of all such officers, clerks, employes, laborers and subordinates shall be such as the heads of the respective departments and borough presidents shall designate and approve, subject to the provisions of law and to the ordinances of the board of aldermen. The salaries or wages of all such officers, clerks, employes, laborers and subordinates in every department shall be such as shall be fixed by the board of aldermen upon the recommendation of the board of estimate and apportionment in the manner provided in this act. Any head of department or borough president, may, with the consent of the board of estimate and apportionment, consolidate any two or more bureaus established by law, and may change the duties of any bureau; and it shall be the duty of the head of the finance department to bring together all officers and bureaus authorized to receive money for taxes, assessments or arrears, in such manuer that the payment of the same cau be made, as nearly as practicable, at one time and place, and in one office. Every head of department or borough president, and every officer of any of the counties contained within the territorial limits of The City of New York, is empowered to make ratable deductions from the salaries and wages of the employes and subordinates of his department or office, on account of absence from duty without leave; provided, however, that nothing contained in this section shall affect departments or officers as to which other provision is made by this act for deductions for absences or disciplinary fines and penalties. Wherever in any department or institution an office, position or employment is abolished or made unnecessary through the operation of this act, or in any otbe manner, or whenever the number of offices, positions or employments of a certain character is reduced, the person or persons legally holding the office or filling the position or employment thus abolished or made unnecessary shall be deemed to be suspended without pay, and shall be entitled to reinstatement in the same office, position or employment, or in any corresponding or similar office, position or employment, if within one year thereafter there is need for his or their services. Whenever such offices, positions or employments are abolished or made unnecessary, it shall be the duty of the head of the department or insti-

tution to furnish the names of the person or persons affected to the municipal civil service commission, with a statement in the case of each of the date of his original appointment in the service. It shall be the duty of the municipal civil service commission forthwith to place the names of said persons upon a list of suspended employes for the office, or position or for the class of work in which they have been employed, or for any corresponding or similar office, position or class of work, and to certify the said persons for reinstatement, in the order of their original appointment, before making certifications from any other list. The failure of any person on any such list for reinstatement to accept, after reasonable notice, an office or position in the same borough and at the same salary or wages as the position formerly held by him shall be held to be a relinquishment of his right to reinstatement as herein stated.

Police and Fire Commissioners May Rehear Charges and Reinstate Members of Force.

Sec. 1543-a. Upon written application to the mayor by the person aggrieved, setting forth the reasons for demanding such rehearing, the police commissioner, if the person aggrieved was a member of the police force, or the fire commissioner, if the person aggrieved was a member of the fire department, shall have the power, in his discretion, to rehear the charges upon which a member of the uniformed police or fire department, as the case may be, has been dismissed, or reduced from the rank theretofore held by him; provided that such member of such force or department shall waive in writing all claim against the city of New York for back pay and provided further that the mayor shall, in writing, consent to such rehearing, stating the reasons why such charges should be reheard.

Such application for a rehearing shall be made within one year after this section as amended takes effect if such dismissal or reduction in rank occurred within seven years before this section as amended takes effect; or within one year from the date of the removal or reduction in rank if such removal or such reduction occurs after this section as amended takes effect.

If such commissioner shall determine that such member has been illegally or unjustly dismissed or reduced, such commissioner may reinstate such member or restore him to the rank from which he was reduced, as the case may be, and allow him the whole of his time since such dismissal, to be applied on his time of service in such department, or for such other or further relief as such commissioner may determine just or to affirm his dismissal or reduction as he may determine from the evidence. [As amended by Chap. 79, Laws of 1915.]

Heads of departments other than the police and fire commissioner, may rehear charges against and reinstate persons dismissed.

Sec. 1543-b. The head of a city department or any other officer, board or body of the city, or of a borough, or of a county, vested with the power of appointment and employment, except the police commissioner and the fire commissioner, upon written application by the person aggrieved, setting forth the reasons for demanding an opportunity of making a further explanation, shall have the power, in his discretion, to rehear the explanation and any new matter offered in further reply to the charges or complaint upon which such person was dismissed from the service, provided that such person shall waive, in writing, all claim against The City of New York for back pay. Such application for another opportunity to explain shall only be presented to, and granted by the officer who made the removal or to the immediate successor of the removing official when the applicant for the further explanation makes it appear, by affidavit, that on a further chance to explain he can produce evidence such as if before received would probably have changed the decision; if such evidence has been discovered since the previous explanation, is not cumulative; and the failure to produce it at the first explanation was not owing to want of diligence. No reinstatement by a successor shall be made where the applicant has been removed more than two years, nor without the consent of the mayor. If upon the further explanation such head of department or other officer, board or body determine that such person has been illegally or unjustly dismissed, such head of department or other officer, board or body, in his discretion, may, upon the approval in writing of the municipal civil service commission, reinstate such person. [Added by Laws of 1913, Chap. 302.]

Sec. 1543-c. Any former member of the uniformed force of the police department, who resigned without charges pending prior to January first, nineteen hundred and thirteen, may be reinstated if he be less than thirty-five years of age when such reinstatement be ordered, pass such physical tests as the head of the department shall prescribe, and have obtained the consent of the mayor to such reinstatement. If reinstated, such member shall not receive any credit for time in the department during the period of separation from the service or prior to the time of resignation.—Added by Laws of 1916, Chap. 616.

Id.; to render reports; publication.

Sec. 1544. The said departments, borough presidents and all commissioners appointed by the mayor, pursuant to the provisions of this act, and not constituting heads of departments, shall once in three months, and at such other times as the mayor may direct make to him, in such form and under such rules as he may prescribe, reports of the operations and action of the same and each of them, which reports shall be published in the City Record. The said departments, borough presidents and commissioners shall always, when required by the mayor, furnish to him such information as he may demand, within such reasonable time as he may direct.

Id.; to furnish copies of papers on demand.

Sec. 1545. The heads of all departments, except the police and law departments, and the chiefs of each and every bureau of said departments, or any of them, except the police and law departments and all borough presidents, shall, with reasonable promptness, furnish to any taxpayer desiring the same, a true and certified copy of any book, account or paper kept by such department, bureau or officer, or such part thereof as may be demanded, upon payment in advance of five cents for every hundred words thereof by the person demanding the same. All books, accounts and papers in any department or bureau thereof, except the police and law departments, shall at all times be open to the inspection of any taxpayer, subject to any reasonable rules and regulations in regard to the time and manner of such inspection as such department, bureau or officer may make in regard to the same, in order to secure the safety of such books, accounts and papers, and the proper use of them by the department, bureau or officer; in case such inspection shall be refused, such taxpayer, on his sworn petition, describing the particular book, account or paper that he desires to inspect, may, upon notice of not less than one day to such department bureau or officer, apply to any justice of the supreme court for an order that he be allowed to make such inspection as such justice shall by his order authorize, and such order shall specify the time and manner of such inspection.

Destruction of useless records.

Sec. 1545-a. Upon the certification of the comptroller of The City of New York, or the head of any department or office of the city government, who is the custodian of public records or papers, to the board of estimate and apportionment, that such records or papers deposited or filed in his office are deemed to have become useless, the board of estimate and apportionment may direct the destruction of such records or papers; provided, however, that such certificate shall contain a list of such records or papers, with proper description thereof, which are believed useless, with a statement of the reason for such belief, and attached thereto shall be a certificate from the corporation counsel to the effect that the destruction of any such record or paper will in nowise affect the interests of The City of New York in any pending, anticipated or contemplated claim, action or proceeding by or against the said city. [Added by Laws of 1913, Chap. 697.]

Records to be kept and abstracts published.

Sec. 1546. In every department, office or a borough president or board there shall be kept a record of all its transactions, which shall be accessible to the public, and once a week a brief abstract, omitting formal language, shall be made of all transactions, and of all contracts awarded and entered into for work and material of every description, which abstracts shall contain the name or names and residences by street and number, of the party or parties to the contract and of their sureties, if any. A copy of such abstract shall be promptly transmitted to the person designated to prepare the City Record, and shall be published therein. Notice of all appointments and removals from office, and all changes of salaries, shall in like manner, within one week after they are made, be transmitted to and published in the City Record.

Certificates of appointments.

Sec. 1547. Every person who shall be appointed or elected to any office under the said city shall receive a certificate of appointment, designating the term for which such person has been appointed or elected.

Official oath.

Sec. 1548. Every person elected or appointed to any office under the city government shall, within five days after notice of such election or appointment, take and subscribe, before the mayor or any judge of a court of record, an oath or affirmation faithfully to perform the duties of his office; which oath or affirmation shall be filed in the office of the city clerk.

Officer not to hold any other civil office.

Sec. 1549. Any person holding office, whether by election or appointment, who shall, during his term of office, accept, hold or retain any other civil office of honor, trust, or emolument under the government of the United States (except commissioners for the taking of bail, or register of any court), or of the state (except the office of notary public or commissioner of deeds, or officer of the national guard), or who shall hold or accept any other office connected with the government of The City of New York, or who shall accept a seat in the legislature, shall be deemed thereby to have vacated any office held by him under the city government. No person shall hold two city or county offices, except as expressly provided in this act; nor shall any officer under the city government hold or retain an office under the county government, except the office of supervisor, or when he holds such office ex officio, by virtue of an act of the legis-

lature; and in such case shall draw no salary for such ex officio office.

Officers; when may receive and retain fees.

Sec. 1550. No officer of the city government, except the city marshals, shall have or receive to his own use any fees, perquisites or commissions or any percentage; but every such officer shall be paid by a fixed salary, and all fees, percentages and commissions received by any such officer shall be the property of the city. And every officer who shall receive any fees, perquisites, commissions, percentages, or other money which should be paid over to the city shall, before he shall be entitled to receive any salary, make under oath a detailed return to the comptroller showing the amount of all such fees, commissions, percentages, perquisites and moneys received by him since the last preceding report, the person from whom received, and the reason for its payment, and shall produce the receipt of the chamberlain, showing the payment to him, by said officer, of the aggregate amount thereof. All sums received as above, or for licenses or permits, except as in this act otherwise expressly provided, shall be paid over weekly, without deduction by the officer or department receiving them, to the chamberlain, and a detailed return under oath shall at any time be made in such form as the comptroller shall prescribe, stating when and from whom, and for what use such moneys were received. No city officer who is paid a salary for his services from the city treasury shall receive to or for his own use any fees, costs, allowances, perquisites of office, commissions, percentages or moneys paid to him in his official capacity; but all fees, costs, allowances, perquisites, commissions, percentages and moneys so paid or received by any such officer or person, shall be the property of the city and shall be paid by him into the city treasury; and every such officer or person who shall receive any fees, perquisites, commissions, percentages, or other moneys which belong to the city and should be so paid into the treasury, shall, before he shall be entitled to receive or to be paid his salary, make under oath a detailed statement and return to the comptroller in such form as he may prescribe, showing the amount of all such moneys received by him since the last preceding statement and returns, and shall produce a receipt showing the payment of such sum into the treasury. The comptroller may require any such person or officer to make such statement and return to him, if it be not made as herein provided, and may examine any such officer or person under oath touching the amount of any fees, costs, allowances, perquisites, commissions, percentages or moneys paid to or received by him in his official capacity.

Id.; defrauding.

Sec. 1551. Any officer of the city government, or person employed in its service, who shall wilfully violate or evade any of the provisions of law, or commit any fraud upon the city, or convert any of the public property to his own use, or knowingly permit any other person so to convert it, or by gross or culpable neglect of duty allow the same to be lost to the city, shall be deemed guilty of a misdemeanor and, in addition to the penalties imposed by law, and on conviction, shall forfeit his office, and be excluded forever after from receiving or holding any office under the city government; and any person who shall wilfully swear falsely in any oath or affirmation required by this chapter shall be guilty of perjury.

Money not to be paid to sectarian schools; public property; how disposed of.

Sec. 1552. No money belonging to the city raised by taxation upon the property of the citizens thereof, shall be appropriated in aid of any religious or denominational school, neither shall any property, real or persoual, belouging to said city, be disposed of to any such school, except upon the sale thereof at public auction, after the same has been duly advertised, at which sale such school shall be the highest bidder, and upon payment of the sum so bid into the city treasury; neither shall any property belonging to the city be leased to any school under the control of any religious or denominational institution, except upon such terms as the city property may be leased to private parties after the same has been duly advertised.

Public property to be sold at auction or by sealed bids.

Sec. 1553. All property sold (other thau land under water) shall be sold at auction, after previous public notice, under the superintendence of the appropriate head of department, except real property including buildings, fixtures and machinery therein, which, except as herein otherwise provided, shall be sold at public auction, or by sealed bids, after previous public notice, pursuant to a resolution adopted by the commissioners of the sinking fund and such sale shall be under the supervision of said commissioners and not otherwise. In case such buildings, fixtures and machinery be sold at public auction the commissioners of the sinking fund may provide as a condition of such sale that such buildings, fixtures or machinery shall not in any case be relocated or re-erected within the lines of any proposed street or other public improvement, and if after such sale such buildings or parts of buildings or other structures be relocated or re-erected within the lines of any proposed street or other public improvement title thereto shall thereupon become vested in The City of New York and a resale at public or private sale may be made in the same manner as if no prior sale had been made of the same. The proceeds of all sales made under and by virtue of this act shall except as herein otherwise specially provided, be by the officer receiving the same immediately deposited with the chamberlain; and the account of sales verified by the officer making the sales shall be immediately filed in the office of the comptroller; provided that personal property may be exchanged for personal property of the same or greater value or delivered in part payment therefor, or may be sold at private sale without public notice after approval in writing by the commissioners of the sinking fund or pursuant to rules and regulations adopted by said commissioners. The proceeds of such sales shall be paid into the general fund for the reduction of taxation.—As amended by Laws 1912, Chapter 436.

Patented articles; how supplied.

Sec. 1554. Except for repairs no patented pavement shall be laid and no patented article shall be advertised for, contracted for or purchased, except under such circumstances that there can be a fair and reasonable opportunity for competition, the conditions to secure which shall be prescribed by the board of estimate and apportionment.

No public officer to order householder or freeholder to use patented article.

Sec. 1554-a. No officer of the city government shall order any householder or freeholder to use any patented article on any building or in any public street or place, except under such circumstances that there can be a fair and reasonable opportunity for competition, the conditions to secure which shall be prescribed by the board of estimate and apportionment.—Added by Laws 1905, Chapter 531.

Special provision as to papers formerly filed in offices of town clerks.

Sec. 1555. Except as otherwise provided by this act all papers now required by law to be filed and recorded in the town clerk's office in any of the towns by this act united and consolidated into The City of New York, shall after this act takes effect, be filed and recorded in the office of the clerk of the county in which such town is situated, and all such papers filed and recorded in any town clerk's office of such towns, and the records thereof shall, immediately after this act takes effect, be deposited in such county clerk's office by the town clerks of such towns, and shall remain of record therein.

Code of ordinances; when to be prima facie evidence.

Sec. 1556. A code or other volume containing either the ordinances or bylaws of the city published by authority of the board of aldermen shall be prima facie evidence in all courts of justice of the authenticity of such ordinance or bylaws.

Responsible guaranty company may act as surety.

Sec. 1557. Wherever this act provides for the giving of an official bond with surety or sureties, such surety or sureties may consist of a responsible guaranty company, provided the same shall be satisfactory to, and be approved by, the officer or officers, or body whose duty it is to approve such bond or sureties.

Tenure of office.

Sec. 1558. All officers elected or appointed under this act shall, unless otherwise expressly provided and unless sooner removed, hold their respective offices until their successors are respectively elected or appointed and have qualified.

Publication to be made in City Record, unless otherwise provided.

Sec. 1559. All publications required by this act shall, unless otherwise provided, be published in the City Record, and one publication therein shall be sufficient, unless it is herein otherwise provided.

Suspension of pensions of officers or employees.

Sec. 1560. If a person who may hereafter be awarded a pension from the city of New York or any of the departments thereof, or out of any fund under said city or any of its departments, shall hold any office, employment or position under the state or city of New York or any of the counties included within said city, except the offices of commissioner of deeds and notary public, the payment of said pension shall be suspended and forfeited during and for the time he shall hold such office, position, or employment; provided, however, that this section shall not apply where the pension and the salary or compensation of the office, employment or position amount in the aggregate to less than twelve hundred dollars annually.—As amended by Laws of 1916, Cap. 291.

Officers and employees not to perform work outside public employment.

Sec. 1561. No officer or employe of The City of New York or of any of the counties comprised within its territorial limits, shall detail or cause any officer, employe or subordinate of the city or of any of said counties to do or perform any service or work outside of his public office, work or employment; and any violation of this section shall constitute a misdemeanor punishable by a fine of not more than five hundred dollars, or by imprisonment for not more than one year.

Waters and shores to be kept pure and clean.

Sec. 1562. No swill, garbage, dead animals, decayed or other vegetables or fruits, building or refuse or rubbish of any kind or any light or offensive soil or material that will not settle in the water when dumped shall be dumped or deposited in the waters of the port of New York or in the ocean, sea, rivers or waters adjoining The City of New York, or in the waters of New York harbor, or New York

bay, or in the Hudson river, the East river, Long Island sound, and waters adjacent thereto west of the middle ground shoal, or in the navigable waters lying between said sound and the East river, nor in the waters bounding or adjoining the port or harbor of New York, or the upper bay; nor shall any article or thing that is liable to convey disease or is putrid, unwholesome, noxious or dangerous to the public health, or calculated to defile or to render unclean the coast of shores of The City of New York, be cast, thrown, placed, deposited or suffered or permitted to be placed or deposited in said waters, or placed or suffered to be placed where said water would ordinarily or naturally rise upon, take or receive them, excepting, however, the ordinary discharge of sewers constructed under the authority of the laws of the state within which they are located. This section shall not apply to the erection or construction of any pier, dock, bulkhead or the making, by filling in, in a proper manner, of the land, in case where the erection of such piers, docks, or bulkheads or making, by filling in of land, is now authorized by the laws of the state; nor to works undertaken by the government of the United States in the port and harbor of The City of New York, or authorized by the laws of the state of New York. Any pilot, harbor master or port warden of the port of New York, the police of The City of New York, or any city marshal or constable within The City of New York, shall have power to arrest all persons and deliver into custody any person or persons taken in the act of violating any of the provisions of this section.

Illegal to assist in towing or sailing vessels laden with garbage, etc.

Sec. 1563. It shall not be lawful for any person or persons to sail, navigate, or move, or to aid, direct, or assist in sailing, navigating or moving, any boat or vessel engaged in the transportation of any dead animal, carrion, offal, or any putrid, offensive refuse, decaying or decayed vegetable or animal matter, or any garbage or sweepings, taken from the streets of any city, upon the waters referred to in the last section for the purpose of being dumped or deposited in said waters; and it shall not be lawful for any steam vessel to tow or carry any of the articles mentioned in this or the last section.

Penalties for violation of two last sections.

Sec. 1564. Any person offending against the provisions of the two preceding sections shall be deemed guilty of a misdemeanor, and liable to imprisonment for a term of not less than six months or to a fine of not less than five hundred dollars, in the discretion of the court for each and every offense, and may be arrested by the authorities of the city or of either of the counties of New York, Kings, Queens, Westchester or Richmond. The courts in said counties respectively shall have power and jurisdiction to try said offenders, whether the offense be committed within their respective counties or not. Out of any moneys received for fines, such sum or sums shall be allowed and paid for the expenses and disbursements attending the arrest, as the court or magistrate may deem reasonable and proper. The owner or owners or charterer of any vessel used in violation of the preceding sections shall be liable to The City of New York in a penalty of one thousand dollars for each offense, and an action may be brought for the recovery thereof in the name of The City of New York.

Public armories; armory board; president of the board of aldermen to be a member of; its duties.

Sec. 1565. All powers and duties relating to the construction, repairs and maintenance of and to public armories in The City of New York, and to the purchase of supplies therefor, so far as the same have heretofore been conferred upon the commissioner of public buildings, lighting and supplies by chapter two hundred and twelve of the laws of eighteen hundred and ninety-eight, known as "the military code," are hereby devolved upon the armory board having jurisdiction within The City of New York, as in said military code provided. The powers and duties heretofore exercised by the commissioner of public buildings, lighting and supplies as a member of said armory board are hereby devolved upon the president of the board of aldermen, who shall be a member of said armory board.

Taking bail from push cart peddlers.

Sec. 1566. If a push cart peddler is arrested in The City of New York for the violation of any ordinance or law requiring a license for such avocation, or for violating a license procured in pursuance of such an ordinance or law, he may, when brought before the police officer, court or magistrate authorized to accept bail for such violation, tender in lieu thereof his push cart, and such police officer, court or magistrate shall accept the same accordingly. If the person so arrested shall fail to appear in answer to such charge, the chattel so pledged as security for his appearance shall be forfeited and placed in the custody of the property clerk of the police department of The City of New York, to be by him disposed of and accounted for at the next succeeding sale of unclaimed property.—Added by Laws 1906, Chapter 96.

Vacations of employees.

Sec. 1567. The executive heads of the various departments are authorized and empowered to grant to every employee of The City of New York, or of any department or bureau thereof, and of the department of education, a vacation of not less than two weeks in each year and for such further period of time as the duties, length of service and other qualifications of an employee may warrant, at such time as the executive head of the department or any officer having supervision over said employee may fix, and for such time they shall be allowed the same compensation as if actually employed, except that no such vacation shall be granted to per diem employees for longer than two weeks and only during the months of June, July, August and September. [As amended by Laws of 1913, Chap. 121.]

Per diem employees; leave of absence with pay.

Sec. 1568. The head of a city department, or any other officer, board or body of the city, or of a borough or county within the city, vested with the power of appointment and employment, in addition to existing powers, may, in his discretion, grant to an employee in his department, board, body or office, whose compensation is payable by the day and who may be injured in the performance of his duties, a leave of absence during disability with pay, which leave of absence, however, shall not exceed thirty days, except with the consent of the mayor and comptroller.—Added by Laws 1912, Chapter 353.

Officers and employees; punishment for delinquency or misconduct.

Sec. 1569. Except as otherwise specially provided, the head of a city department or any other officer, board or body of the city, or of a borough or county within the city, vested with the power of appointment and employment, in addition to existing powers, may, in his discretion, cause deductions to be made from the salaries, compensation or wages of the officers or employees of his department, board, body or office, as a fine for delinquency or misconduct, not exceeding thirty days' pay.—Added by Laws 1912, Chapter 492.

Officers and employees; suspension without pay.

Sec. 1569-a. Except as otherwise specially provided the head of a city department or any other officer, board or body of the city, or of a borough or county within the city, vested with the power of appointment and employment, in addition to existing powers, may, in his discretion, suspend, for not more than one month without pay, any officer or employee of his department, board, body or office, pending the hearing and determination of charges against him or the making of any explanation, as the case may be. If the person so suspended be removed, he shall not be entitled to salary or compensation after suspension. If he be not so removed he shall be entitled to full salary or compensation from the date of suspension to the date of reinstatement, less such deduction or fine as may be imposed. [Added by Laws of 1913, Chap. 694.]

Officers and employees; leave of absence without pay.

Sec. 1569-b. Except as otherwise specially provided, the head of a city department or any other officer, board or body of the city, or of a borough or county within the city, vested with the power of appointment and employment, in addition to existing powers, may, in his discretion, upon application of any officer or employee of such department, office, board or body, grant to such officer or employee a leave of absence from duty without pay.—Added by Laws 1912, Chapter 333.

TITLE 4.

(New Title 4—Sections 1570 to 1571-d, inclusive—added by Chap. 284, Laws of 1915.)

CHIEF MEDICAL EXAMINER.

Section 1570. Organization of office; officers and employees.
1571. Violent and suspicious deaths; procedure.
1571-a. Autopsies; findings.
1571-b. Report of deaths; removal of body.
1571-c. Records.
1571-d. Oaths and affidavits.

Organization of office; officers and employees.

Sec. 1570. There is hereby established the office of chief medical examiner of the city of New York. The head of the office shall be called the "chief medical examiner." He shall be appointed by the mayor from the classified service and be a doctor of medicine, and a skilled pathologist and microscopist.

The mayor may remove such officer upon stating in writing his reasons therefor, to be filed in the office of the municipal civil service commission and served upon such officer, and allowing him an opportunity of making a public explanation. The chief medical examiner may appoint and remove such deputies, assistant medical examiners, scientific experts, officers and employees as may be provided for pursuant to law. Such deputy medical examiners, and assistant medical examiners, as may be appointed, shall possess qualifications similar to those required in the appointment of the chief medical examiner. The office shall be kept open every day in the year, including Sundays and legal holidays, with a clerk in constant attendance at all times during the day and night.

Violent and suspicious deaths; procedure.

Sec. 1571. When, in the city of New York, any person shall die from crim-

inal violence, or by a casualty, or by suicide, or suddenly when in apparent health, or when unattended by a physician, or in prison, or in any suspicious or unusual manner, the officer in charge of the station house in the police precinct in which such person died shall immediately notify the office of the chief medical examiner of the known facts concerning the time, place, manner and circumstances of such death. Immediately upon receipt of such notification the chief medical examiner, or a deputy or assistant medical examiner, shall go to the dead body, and take charge of the same. Such examiner shall fully investigate the essential facts concerning the circumstances of the death, taking the names and addresses of as many witnesses thereto as it may be practical to obtain, and, before leaving the premises, shall reduce all such facts to writing and file the same in his office. The police officer so detailed shall, in the absence of the next of kin of deceased person, take possession of all property of value found on such person, make an exact inventory thereof on his report, and deliver such property to the police department, which shall surrender the same to the person entitled to its custody or possession. Such examiner shall take possession of any portable objects which, in his opinion, may be useful in establishing the cause of death, and deliver them to the police department.

Nothing in this section contained shall affect the powers and duties of a public administrator as now provided by law.

Autopsies; findings.

Sec. 1571-a. If the cause of such death shall be established beyond a reasonable doubt, the medical examiner in charge shall so report to his office. If, however, in the opinion of such medical examiner, an autopsy is necessary, the same shall be performed by a medical examiner. A detailed description of the findings written during the progress of such autopsy and the conclusions drawn therefrom shall thereupon be filed in his office.

Report of deaths; removal of body.

Sec. 1571-b. It shall be the duty of any citizen who may become aware of the death of any such person to report such death forthwith to the office of the chief medical examiner, and to a police officer who shall forthwith notify the officer in charge of the station-house in the police precinct in which such person died. Any person who shall willfully neglect or refuse to report such death or who without written order from a medical examiner shall willfully touch, remove or disturb the body of any such person, or willfully touch, remove, or disturb the clothing, or any article upon or near such body, shall be guilty of a misdemeanor.

Records.

Sec. 1571c. It shall be the duty of the office of medical examiner to keep full and complete records. Such records shall be kept in the office, properly indexed, stating the name, if known, of every such person, the place where the body was found and the date of death. To the record of each case shall be attached the original report of the medical examiner and the detailed findings of the autopsy, if any. The office shall promptly deliver to the appropriate district attorney copies of all records relating to every death as to which there is, in the judgment of the medical examiner in charge, any indication of criminality. All other records shall be open to public inspection as provided in section fifteen hundred and forty-five. The appropriate district attorney and the police commissioner of the city may require from such officer such further records, and such daily information, as they may deem necessary.

Oaths and affidavits.

Sec. 1571d. The chief medical examiner, and all deputy or assistant medical examiners, may administer oaths, and take affidavits, proofs and examination as to any matter within the jurisdiction of the office.

TITLE 5.

EXAMINING BOARD OF PLUMBERS

Composition of board.

Sec. 1572. There shall be in The City of New York an examining board of plumbers to consist of two employing or master plumbers, one journeyman plumber, and two city officials having supervision over plumbing, drainage or sewerage. The master and journeymen members of the board shall be appointed by the mayor and the two city officials shall be designated by the mayor. Such appointments and designations shall be at the pleasure of the mayor making them. The master and journeyman plumbers serving as members of the board shall be paid five dollars per day for each day's attendance, not to exceed the sum of twenty-five dollars per month. The officials of the city designated by the mayor to serve on the board shall act without compensation.

Powers of board.

Sec. 1573. The examining board of plumbers shall have power and it shall be their duty:

1. To examine all persons applying for certificates to engage in the trade, business or calling of master or employing plumber in the city, as to their fitness and qualifications for the same, including their business responsibility and repute.

2. To issue certificates to such persons as the board deems qualified to engage in business as a master or employing plumber, upon such terms and conditions as may be prescribed by the rules of the board, which rules shall be published in the City Record once a week for three successive weeks before becoming operative.

3. To examine in conjunction with the municipal civil service commission applicants for positions as inspectors of plumbing, and no person shall be appointed an inspector of plumbing who shall not have obtained a certificate of competency as such inspector from the examining board of plumbers.

4. To revoke any certificate issued by the board after not less than five days notice upon proof to the satisfaction of the board of fraud, deceit or collusion in obtaining the license, violation of or failure to observe the lawful rules and regulations or ordinances relating to plumbing and drainage in the city of New York, or of the rules of the said board.

5. To charge and collect from each person applying for examination a sum not to exceed five dollars for each examination made by the board, either for master plumber or inspector of plumbing, and to charge and collect the further sum of five dollars upon the issuance of a certificate, all moneys so collected to be paid over by the board monthly to the chamberlain of the city, after deducting from such fees the sum actually expended for supplies and materials used in conducting examinations.

Existing certificates of competency continued.

Sec. 1574. All persons now holding certificates of competency heretofore issued by the examining board of plumbers in The City of New York, or of cities consolidated with or incorporated into the said City of New York, shall, after the passage of this act submit such certificate to the examining board of plumbers at such time and in such manner as the board may require, and the board shall endorse on the face of such certificate that the same are renewed in accordance with the provisions of this act, except that the board may refuse to make such endorsement upon proof to its satisfaction that a certificate of competency heretofore issued has been obtained through fraud, deceit or collusion, or that the person holding the same is no longer actually engaged in the business or calling of employing or master plumber, or has been convicted of a violation of the rules, regulations or ordinances relating to plumbing or drainage of The City of New York. No certificate of competency heretofore issued by the examining board of plumbers shall be effective for registration in the *bureaus of building in The City of New York unless it shall have been endorsed as provided for in this section. [Added by Laws of 1913, chap. 755.]

CHAPTER XXIV (New).

RECORDING AND INDEXING INSTRUMENTS AFFECTING LAND IN THE COUNTIES OF NEW YORK AND BRONX; PREPARATION OF LAND MAPS.

Section 1572.* Application of chapter.
1573.* Land maps.
1574.* Instruments, how recorded and indexed.
1575. Alterations and corrections.
1576. Fees for indexing.
1576-a. Miscellaneous instruments.

Application of Chapter.

Sec. 1572*. Every instrument affecting real estate of chattels real, situate in the counties of New York and Bronx, city of New York, which shall be recorded in the office of the register of the county of New York or the register of the county of Bronx, shall be recorded and indexed pursuant to the provisions of this chapter; but the provisions of this chapter shall not apply to said counties before the first day of January next succeeding the certifying and filing of the land map of such county as provided in this chapter.

Land Maps.

Sec. 1573*. 1. The board of taxes and assessments of said city is hereby authorized and directed to prepare a separate map of each of the counties of New York and Bronx in said city, on which shall be shown and delineated all the streets, avenues, roads, boulevards, parkways, and waterfronts of said counties of New York and Bronx and also all blocks or parcels of land bounded by said streets, avenues, roads, boulevards, parkways and waterfronts, subject, however, to the provisions of this section. The word "block," as used in this act, designates a plot or parcel of land such as is commonly so designated in the city of New York, wholly embraced within the continuous lines of streets, or streets and watertront taken together where water forms one of the boundaries of a block, and such other parcels of land or land under water as may be indicated by said board of taxes and assessments upon said map by block numbers as constituting blocks.

2. The said board of taxes and assessments shall also cause said maps to be subdivided into land sections for the use to which said map is to be put, as by this chapter provided, and shall cause said sections to be numbered on said map of the county of New York from number one consecutively upward to number eight and on said map of the county of Bronx from number nine consecutively upward to number eighteen.

3. The said board of taxes and assessments shall also cause the blocks or parcels of land shown on said maps to be numbered thereon, by block numbers from number one upwards in the counties of New York and Bronx, provided, however, that where there is a doubt as to the definiteness or permanency of the location of the street system or

*So in original.

waterways, the said board of taxes and assessments may cause the land to be divided into parcels and numbered on said map by block numbers in such way as said board may think best, in order to carry out the general intent of this chapter, and such parcels shall be considered as blocks for the purposes of this chapter.

4. For the purpose of notice under this chapter, each block shall be deemed to extend to the middle line of the streets, avenues, roads and boulevards then or thereafter laid out on said land maps fronting and adjoining such block, and shall also be deemed to extend to the exterior bulkhead line or to the exterior line of grants of land under water where water forms one of the boundaries of a block. And the said several sections and blocks shall for the purpose of this chapter be such as are fixed and laid down on said land map by said board of taxes and assessments. In cases where the physical blocks are small or for other reasons, two or more physical blocks may, in the discretion of said board, be included in one block having a single block number.

5. The said board of taxes and assessments shal cause four copies of said map of the county of New York and four copies of said map of the county of Bronx to be made and shall certify the same under their respective hands and shall file in each of the following offices one copy of said map relating to the county in which the office is located—one copy in the office of the register of the county, one in the office of the clerk of the county, one in the finance department and one in the department of taxes and assessments; and upon said maps being so certified and filed, they shall be and become public records and shall be known and designated as the land map of the county of New York and the land map of the county of Bronx, respectively.

6. Such number of any of the aforesaid maps as the board of estimate and apportionment of said city may direct, shall be printed by said board of taxes and assessments.

Instruments, how recorded and indexed.

Sec. 1574. 1. The register of each of the counties of New York and Bronx is hereby directed and required immediately upon the completion and filing of said map in his office to index under the proper block numbers and block diagrams all instruments now required by law to be recorded in the books of conveyances and mortgages, one index to be made for conveyances and one for mortgages. Said indexes shall be deposited in the office of said register or said clerk of the county. They shall be prepared so as to contain the names of the parties to each instrument, the date of recording the same, the liber and page of the record thereof, and such additional designation as shall in the judgment of the recording officer make reference to the instrument more convenient, and shall be in substantially the forms of the schedules hereto annexed, designated respectively schedule A and schedule B, which schedules are to be deemed and taken to be a part of this chapter. Said indexes shall be entitled block indexes of conveyances and mortgages respectively, and shall indicate the blocks to which they shall respectively relate, and the said indexes shall be public records.

2. It shall be the duty of said register to provide and keep in his office besides said land map and block indexes, books to be entitled the daily index of conveyances and the daily index of mortgages, together with books of record in which shall be recorded at length conveyances and mortgages recorded in his office, each of which shall be indorsed with its proper liber number.

3. Every instrument presented to said register for record and required to be indexed under this chapter in order to entitle the same to be recorded, shall contain in the body thereof, or shall have indorsed thereon to be recorded therewith, a designation of the number of every block on the said map in which the land affected by the instrument lies. Every assignment of a mortgage and every agreement respecting a mortgage to entitle the same to be recorded, shall contain in the body thereof, or shall have indorsed thereon, to be recorded therewith a designation of the number of every block on the said land map in which the land lies which is affected by the mortgage to which such assignment or agreement relates. And the record of the instrument shall not be effectual by way of notice to bona fide purchasers or incumbrancers in respect to any land situated in any block not so designated, except as hereinafter provided in section fifteen hundred and seventy-five of this chapter.

4. Whenever any instrument affecting or relating to land in said counties of New York or Bronx entitled to be recorded and required to be indexed under the provisions of this chapter shall be presented to said register for record, he shall forthwith indorse thereon the date, hour and minute of its receipt by him, and enter in the proper daily index the name of every party executing the said instrument, the date of the record thereof and the number of every block designated as aforesaid for the indexing of such instrument, and within ninety days thereafter shall cause the said instrument to be indexed in the proper indexes under the block number and diagram of every block so designated.

5. In the certificate of said register now required to be indorsed on instruments recorded by him he shall certify, in addition to the other matters required by law to be stated therein, the number of every block on said land map under which the instrument has been indexed.

6. The entries made in said indexes, in conformity with the requirements of this chapter, excepting the information contained in the column headed additional designation shall, for the purpose of notice, be deemed and taken to be a part of the record of the instruments to which such entries respectively refer, and shall be notice to such subsequent purchasers or incumbrancers to the same extent and with like effect as the recording of such instruments in the office of said register now is or may be notice.

7. Said register, on and after the first day of January next succeeding the certifying and filing of said land map of his county, shall keep in his office alphabetical indexes containing lists of the names of all grantors and grantees of land entered from time to time on the block index of conveyances in his office, referring after the names of said grantors and grantees to the liber and page of the record of the several instruments to which they are parties and to every block affected by said instruments. Said register shall also keep in his office similar alphabetical indexes of mortgagors and mortgagees whose names appear upon the block indexes of mortgages. Said register shall prepare such alphabetical indexes in lexicographical or such other form as he may think proper, but the indexes named in this section shall not be deemed or held to be a part of the record of the instruments to which they refer, for the purpose of notice or otherwise, nor shall they be deemed to constitute notice of said instruments, or of the contents thereof. The indexes provided for in this section shall be the only alphabetical indexes required by law to be kept of instruments indexed in the block indexes in the office of said register.

Alterations and Corrections.

Sec. 1575. 1. Whenever, after the making of said land maps, any block boundaries shall be changed or any new or additional blocks of land shall be formed in said counties by the opening or closing of any street, avenue, road, boulevard or parkway or otherwise, it shall be the duty of said board of taxes and assessments to cause said land maps to be altered so as to show the changes in the boundaries of a block and the formation of such new or additional blocks, to cause such blocks, the boundaries of which have been altered, and such new or additional blocks to be numbered on said maps, with such block numbers as said board may determine, and to certify and file annually with the register and clerk of the county in their respective counties a list of the numbers of the blocks, the boundaries of which have been altered, and a list of the numbers of new or additional blocks which have been formed. On and after the first day of January next succeeding the certifying and filing of such lists, the indexes of all blocks theretofore existing, comprising the land in the blocks, the boundaries of which have been altered, and the new blocks so formed as aforesaid, shall except for the purpose of completing the indexing belonging to the preceding year, be closed, and discontinued, and a new index shall be opened for every such altered or new block in the form herein prescribed, which new index shall thenceforth be used for all entries relating to land in such altered or new blocks. The date of closing shall be entered at the end of every index on the block indexes so discontinued, with reference to the number of every altered or new block to be used in place thereof, and the date of opening shall be entered on the map at the place of the alteration, and at the beginning of every such new index with references to the number of every block before in use for the land contained in such altered or new block; and on and after the said first day of January the recording and indexing of instruments relating to land shown on such altered or new blocks shall be subject to the provisions of this chapter, as to the manner of indexing as hereinbefore provided, and the legal effect of such recording and indexing. The land maps in use in the counties of New York and Bronx prior to the application of this chapter shall remain on file for the purpose of reference.

2. In cases where any instrument shall have been recorded without such designation as is required by subdivision three of section fifteen hundred and seventy-four of this chapter or with an erroneous designation, the said register shall, on presentation of proper proof thereof, enter such instrument in the proper index, under the proper block number of every block, the designation of which shall have been erroneously stated or omitted, and shall, at the same time, make a note of such entry and of the date thereof in every place in which such instrument may have been erroneously indexed, opposite the entry thereof, and also upon the record of the instrument and upon the instrument itself, if the same be in his possession or produced to him for the purpose, and the record of such instrument shall be constructive notice as to property in the block not only designated at the time of such record only from the time when the same shall be properly indexed.

3. No entry in any book or index in said register's office shall be erased so as to be illegible, but in case of any correction the same shall be made without destroying the original entry by drawing a line through such original entry, and in all such cases the date of such correction attested by the signature of the register or his deputy shall be entered upon the same page on which such correction is made, on the margin opposite such correction.

Fees for Indexing.

Sec. 1576. Any per on presenting to said register an instrument for record under this chapter shall pay to said register, in addition to the fees now required by law for recording like instruments, the further sum of twenty-five cents for each block under which such instrument is required to be indexed, and the like sum of twenty-five cents for each block shall be payable whenever an instrument already recorded is required to be indexed under section fifteen hundred and seventy-five of this chapter.

Miscellaneous Instruments.

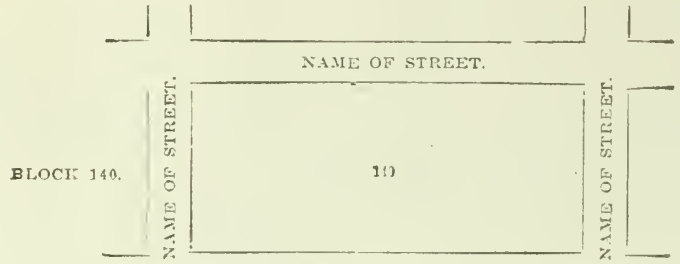
Sec. 1576-a. 1. The provisions of this chapter shall not apply to the indexing of general assignments, wills, powers of attorney, executory contracts for the sale or purchase of land or satisfactions of mortgages, except as provided in subdivision two of this section; but such instruments shall be filed or recorded as now required by law, and when recorded they shall be indexed in separate alphabetical indexes.

2. Whenever there shall be filed with the said register a satisfaction of any mortgage which has been indexed as herein provided, the register shall forthwith enter upon the block index of such mortgage the date of the filing of the satisfaction of the same and the liber and page of the record thereof in the form shown for such entry in said schedule B.

3. The county clerk of each of said counties of New York and Bronx shall cause to be indexed under the proper block numbers and block diagrams all instruments now required by law to be recorded in the books of notices of lis pendens which may be filed or recorded after the first day of January next succeeding the certifying and filing of the land map of his county. The block index of notices of lis pendens shall be in form substantially like schedule C hereto annexed, which schedule is to be deemed and taken to be a part of this act, and shall be entitled the block index of notices of lis pendens. The county clerk of such county shall also cause to be indexed under the proper block numbers and block diagrams all statutory notices of liens or claims on land other than lis pendens which may be filed or recorded in his office after the first day of January next succeeding the certifying and filing of the land map which index shall be entitled the block index of notices of liens and shall be ruled for entering therein the name of the lienor and of the owner of the property affected, the amount claimed to be due as shown by the notices and the date of the satisfaction thereof, and shall be of such other general form as said county clerk may determine. In cases in which it is not practicable in the judgment of said county clerk to index any of the liens mentioned in this section under said block system then the said county clerk may prepare indexes of such liens in such other form as he shall think best.

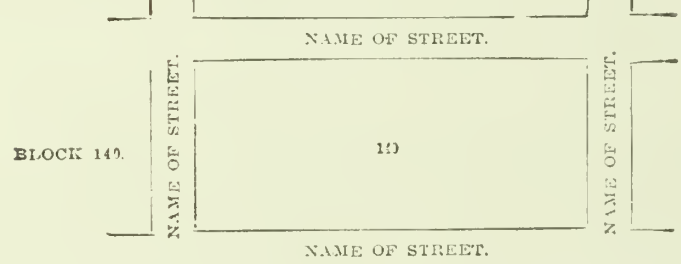
4. The register or the clerk of each of said counties of New York and Bronx, respectively, shall cause to be reindexed under the block index system substantially as provided for in this chapter, all instruments affecting real property or chattels real filed or recorded in his office prior to the first day of January next succeeding the certifying of the land map of his county, so far as the said instruments are not already indexed under the block system, except instruments mentioned in subdivision one of this section, and except instruments discharged or cancelled of record or which by their terms or by operation of law have expired, and except instruments affecting or dependent for their force or validity upon the excepted instruments enumerated above. A list of the classes of instruments thus excepted from the block index of reindexed instruments shall be prepared and placed at the beginning of each reindexed block. The said indexes of reindexed instruments shall be known respectively as the block index of reindexed conveyances, the block index of reindexed mortgages, the block index of reindexed notices of lis pendens, and the block index of reindexed liens. If, in the judgment of the said register or county clerk, it shall be found impracticable or inadvisable to index under the block system any of the instruments or liens directed by this section to be reindexed, the said register or county clerk may, in his discretion, as to such instruments and liens, adopt any other plan of indexing or reindexing which he shall think best; and the said register or county clerk is also authorized and empowered to do such further acts for rearrangement, care, preservation, indexing and convenient examination of the records, documents, maps and papers filed or recorded in his office as in his judgment the public interest may require.

SCHEDULE A—FORM OF BLOCK INDEX OF CONVEYANCES.



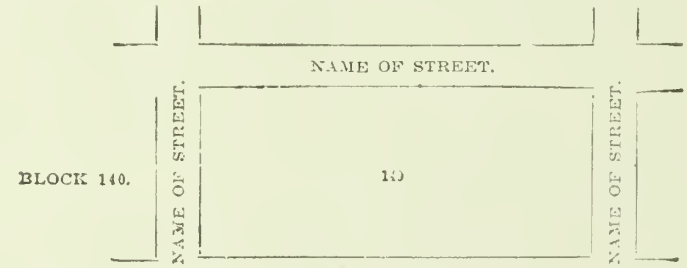
Grantor	Grantee	Date of recording	Conveyances		Additional designation	Remarks
			Liber	Page		
John Doe	Richard Roe					
Richard Roe	William Black					
James White	Robert Moore					
William Black	John Young					
Robert Moore	Francis Hart					
Francis Hart	Thomas Scott					
Henry Brown	Ira Smith					
Ira Smith	Lewis Green					

SCHEDULE B—FORM OF BLOCK INDEX OF MORTGAGES.



Mortagor	Mortgagee	When recorded	Mortgages		When discharged	Satisfaction		Additional designation	Remarks
			Liber	Page		Liber	Page		
Richard Roe	James Dunn								
Robert Moore	Emil Smith								
William Black	Amos Wright								
Francis Hart	Samuel Jones								
Ira Smith	Charles Clute								
Ira Smith	Henry Burke								
Thomas Scott	John Flint								

SCHEDULE C—FORM OF BLOCK INDEX OF NOTICES OF LIS PENDENS.



Defendant	Plaintiff	Court	Filed	Liber	Page	Nature of action	Additional designation
Charles R. Keese	Joseph Kelly	Supreme	May 24, 1914	89	146	Fored.	
Robert Moore	Francis Hart	County	Oct. 10, 1914	95	226	Part.	

Sec. 2. Chapter twenty-four of the Greater New York charter is hereby renumbered twenty-five.

Sec. 3. Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is hereby repealed; but the validity and effect of any act done prior to the application of this chapter under any law hereby repealed shall not be affected by such repeal.

SCHEDULE OF LAWS REPEALED.

Laws of	Chapter	Section
1883.....	349.....	All.
1890.....	166.....	All;
1904.....	127.....	All.
1914.....	465.....	All.

CHAPTER XXV.

PROVISIONS RELATING TO THE COUNTIES AND REPEAL PROVISIONS.

Title 1. Provisions relating to the counties.

Title 2. Repeal provisions.

TITLE 1.

PROVISIONS RELATING TO THE COUNTIES.

Wards in the borough of Brooklyn; how designated.

Sec. 1577. The wards of the former city of Brooklyn are hereby continued, with their present boundaries and numbers, and shall be known and designated as wards of the borough of Brooklyn.

Wards in boroughs of Manhattan and The Bronx; how designated.

Sec. 1578. The wards of the corporation heretofore known as the mayor, aldermen and commonalty of The City of New York are hereby continued, with their present boundaries and numbers, and shall be known and designated as wards of the borough of Manhattan and The Bronx, respectively.

Towns and villages in Richmond county abolished.

Sec. 1579. The five towns and all the incorporated villages within the county of Richmond are hereby abolished.

Wards in the borough of Richmond.

Sec. 1580. The territory included within the towns of Castleton, Middletown, Northfield, Southfield and Westfield, in the county of Richmond, shall, in the order named, be known and designated as wards one, two, three, four and five, respectively, of the borough of Richmond.

Towns in Queens county abolished; wards in borough of Queens.

Sec. 1581. The towns of Newtown, Flushing and Jamaica, and all the incorporated villages in that part of the county of Queens included within The City of New York, as constituted by this act, are hereby abolished. The territory heretofore known as Long Island City shall be known as ward one of the borough of Queens; the town of Newtown as ward two of said borough; the town of Flushing as ward three; the town of Jamaica as ward four, and that part of the town of Hempstead included within The City of New York, as constituted by this act, shall be known as ward five of the said borough of Queens. But the supervisors of said towns who are in office when this act takes effect shall serve out their respective terms of office as supervisors of the wards in which they respectively reside, and shall continue to be members of the board of supervisors of the county of Queens.

Board of aldermen; power to change boundaries.

Sec. 1582. The board of aldermen may from time to time by ordinance change the boundaries of wards; it create other wards as the public good and convenience may require.

Salaries of county officers in New York, Richmond, Queens and Kings counties; how met.

Sec. 1583. The salaries of all county officers in the counties of New York, Kings, Queens and Richmond shall unless otherwise provided by law be fixed by the board of aldermen on the recommendation of the board of estimate and apportionment, and all county charges and expenses and salaries of county officers in said counties and each of them shall be audited and paid by the department of finance out of the fund or appropriation

applicable thereto, and the audit of said department in respect to such charges and expenses shall extend to the reasonableness thereof and shall be, in all respects, as full and complete as the audit of city charges and expenses provided for by section one hundred and forty-nine of this act; but nothing in this section contained shall be construed as in any way changing or modifying the provision contained in section nine hundred and two of this act, to the effect that the sums necessary to defray the salaries of county officers and to pay county charges and expenses in said counties shall be levied and assessed upon the property of said four counties, respectively, so that each shall ultimately bear and pay all its own county charges, nor to affect the county of Queens until after the thirty-first day of December, eighteen hundred and ninety-nine.

Election of county officers required by the constitution not affected.

Sec. 1584. Nothing in this act contained shall be deemed to interfere with or hereafter prevent the election, under and pursuant to laws relating thereto, of all county officers required by the constitution of the state, to be elected in either of the counties, in whole or in part, included within The City of New York, as constituted by this act.

Public administrator of the county of New York.

Sec. 1585. Upon the taking effect of this act, the official designation of the public administrator in The City of New York, as heretofore known and bounded, shall be public administrator of the county of New York, and such officer shall continue n county officer with powers, duties and obligations now prescribed by law, and the present provisions of law and the present ordinances relating to said public administrator shall not be affected by anything herein contained.

County clerks to exercise certain statutory powers and duties of coroners.

Sec. 1585-a. In the city of New York the powers imposed and the duties conferred upon coroners by the provisions of title three of chapter two of the code of civil procedure shall be exercised and performed by the county clerk of the appropriate county, and said county clerk shall, in the exercise and performance thereof, be subject to the same liabilities and responsibilities as are prescribed in such title in the cases of coroners. [As amended by Chap. 284, Laws of 1915.]

Devolution of powers vested in boards of supervisors in New York, Kings, Queens and Richmond counties.

Sec. 1586. Any and all of the powers and duties of the several boards of supervisors, heretofore existing in any of the counties within the territory of The City of New York not transferred or devolved upon administrative departments, boards, commissions, officers or other functionaries, are hereby vested in the board of aldermen of The City of New York.

The office of county treasurer in the counties of Kings, Queens and Richmond abolished.

Sec. 1587. The office of the county treasurer of the county of Richmond is hereby abolished, and after the thirty-first day of December, eighteen hundred and ninety-nine, the office of the county treasurer of the county of Queens shall cease to exist, and after the thirty-first day of December, nineteen hundred and one, the office of county treasurer of the county of Kings shall cease to exist, and all the powers, duties and obligations of said county treasurers are hereby devolved upon the chamberlain of The City of New York as constituted by this act. The clerical force and employees of the county treasurer of Kings county shall be assigned by the comptroller of The City of New York on January first, nineteen hundred and two, to corresponding positions and duties in the department of finance as nearly as may be without prejudice or advantage; provided, however, that nothing herein contained shall be construed to repeal, limit, modify or abridge any provisions of law or civil service regulations relative to the removal of subordinates by public officers or heads of departments, nor to affect the right of abolishing unnecessary positions. — As amended by Laws of 1903, Chapter 395.

Secs. 1588 and 1589. Repealed by Act of 1901.

Disposition of real and personal property owned by or held in trust for the town of Hempstead.

Sec. 1590. All the real property owned by the town of Hempstead and situated in that part of said town included within The City of New York, as constituted by this act, is hereby vested in the said city of New York and divested out of the town of Hempstead, and all of the real property owned by the town of Hempstead and situated elsewhere in said town is hereby vested in the town of Hempstead and divested out of the said city of New York. All of the property owned by the town of Hempstead other than real property, including money, investments, securities on investments and money held in trust for the benefit of said town, directly or indirectly, shall be divided between the said town and The City of New York, as constituted by this act, and the proportion of the same to which each shall, in equity and good conscience, be entitled to receive upon such division, shall be ascertained and determined by agreement by and between the town board of the town of Hempstead, upon the one side, and the mayor and the municipal assembly of the said City of New York, upon the other side, and in case of their inability to agree upon such division within six months after this act shall take effect, the supreme court in the third judicial district is hereby empowered to divide the same between them and to ascertain and award to each its equitable proportion thereof, and to enforce its determination thereon, and either of the said municipalities may institute and prosecute, in its own name, an action in equity in said court for that purpose after the expiration of six months and before the expiration of one year after this act takes effect.

Proportion of funds and moneys received by the city which should be returned to Queens county, or paid to the comptroller of the state; how determined.

Sec. 1591. The mayor and municipal assembly of The City of New York, as constituted by this act, and the board of supervisors of the county of Queens, are also authorized and empowered to determine what proportion of the funds and moneys that may be received by The City of New York, pursuant to the provisions of this act, from any officer of any of the municipal and public corporations or parts of municipal and public corporations within the county of Queens, and hereby consolidated with the corporation heretofore known as the mayor, aldermen and commonalty of The City of New York, should be refunded or repaid to the county of Queens, as representing taxes levied and assessed for the payment of county charges and expenses within said county, and in like manner what proportion of said moneys that may be so received, were levied for state taxes payable by said county of Queens for the year eighteen hundred and ninety-eight, and should therefore be turned over to the comptroller of the state in payment and discharge of said county's obligation to the state in that regard for the year eighteen hundred and ninety-eight. If the mayor and the municipal assembly, and the said board of supervisors of the county of Queens be unable within [illegible] months after this act takes effect to agree as to any or either of said matters, then the supreme court of the third judicial district shall have power to determine in each case where a disagreement occurs upon said matters, and each of them, and to enforce such determination and decision in a suit in equity, to be brought in the name of the supervisors of said county of Queens, or of the comptroller of the state, as the case may be, not less than six months nor more than one year after this act takes effect.

Secs. 1592, 1593, 1594. Repealed by Act of 1901.

Comptroller of state to transmit to the city a statement of the state tax to be paid by New York, Kings, Queens and Richmond counties; how levied and collected.

Sec. 1595. It shall be the duty of the comptroller of the state annually to transmit to the comptroller of The City of New York, as hereby constituted, for levy and collection by said city, a statement of the amount of tax for state purposes to be paid by the counties of New York, Kings, Queens and Richmond, respectively. The amount, of which a statement is thus transmitted by the comptroller of the state or the comptroller of said city, shall be levied upon and collected from the entire property within the territorial limits of said city in like manner as other expenses of said city.

TITLE 2.

REPEAL PROVISIONS—EFFECT OF THIS ACT.

Inconsistent provisions of consolidation act repealed.

Sec. 1608. The act of the legislature of the state of New York, passed July first, eighteen hundred and eighty-two, known as The New York City consolidation act of eighteen hundred and eighty-two, and acts amendatory thereof, and supplemental thereto, and other acts of the legislature of the state of New York now in force relating to or affecting the local government of The City of New York, as heretofore constituted, are hereby repealed so far as any provisions thereof are inconsistent with the provisions of this act, or so far as the subject matter thereof is revised or included in this act, and no further. So far as the provisions of this act are the same in terms or in substance and effect as the provisions of the said consolidation act, or of other acts of the legislature now in force relating to or affecting the municipal and public corporations, or any of them herein united and consolidated, this act is intended to be not a new enactment, but a continuation of the said consolidation act of eighteen hundred and eighty-two, and said other acts, and is intended to apply the provisions thereof as herein modified to The City of New York as herein constituted, and this act shall accordingly be so construed and applied.

Omission of previous acts not to be construed as repealed.

Sec. 1609. The mere omission from this act of any previous acts or of any of the provisions thereof, including said consolidation act of eighteen hundred and eighty-two, relating to or affecting the municipal and public corporations or any of them which are herein united and consolidated, shall not be held to be a repeal thereof.

Acts applicable to The City of New York.

Sec. 1610. All the provisions of all acts of the legislature of the state of New York, including said consolidation act of eighteen hundred and eighty-two, of a general and permanent character, relating to the corporation heretofore known as the mayor, aldermen and commonalty of The City of New York, in force at the time this act goes into effect, which are

consistent with this act, and its purposes, and which are not revised and included in or the subject matter thereof covered by this act, are hereby extended to The City of New York as herein constituted, so far as they are consistent with this act, and are not in their nature locally inapplicable to other portions of the city than the corporation heretofore known as the mayor, aldermen and commonalty of The City of New York. And the provisions of law thus extended to The City of New York as herein constituted shall apply to said city throughout its whole extent, anything to the contrary notwithstanding contained in the charter of any municipal or public corporations or laws relating thereto, which are by this act united and consolidated with the corporation heretofore known as the mayor, aldermen and commonalty of The City of New York.

To take effect January 1, 1898.

Sec. 1611. For the purpose of determining the effect of this act upon other acts and the effect of other acts upon this act, this act shall, except as in this section is otherwise provided, be deemed to have been enacted on the first day of January, in the year eighteen hundred and ninety-eight. This act shall take effect on the first day of January, eighteen hundred and ninety-eight; provided, however, that where by the terms of this act an election is provided or required to be held or other act done or forbidden prior to January first, eighteen hundred and ninety-eight, then as to such election and such acts, this act shall take effect from and after its passage, and shall be in force immediately, anything in this chapter or act to the contrary notwithstanding.

Invalidity of one section not to invalidate any other section.

Sec. 1612. The invalidity of any section or provision of this act shall not invalidate any other section or provision thereof.

Interregnum; how prevented.

Sec. 1613. To guard against the inconvenience and effects that might arise from the changes in local government effected by this act, and to prevent an interregnum, and otherwise to carry out the purposes and provisions of this act, it is hereby enacted that until this act and its several provisions shall take effect all existing acts shall remain in force and all officers in office when this act takes effect shall remain in office until their successors are respectively elected and appointed and shall have qualified under the provisions of this act. And for the purposes aforesaid as well as for any other purpose necessary or proper to effectuate the scheme and objects of this act, and to carry into effect the powers granted by this act to The City of New York, the municipal assembly shall have power by ordinances to make from time to time all such provisions concerning the local rule and government of The City of New York as herein constituted, and each and all of its departments as it may find necessary or deem needful not inconsistent with the constitution and laws of the state and the express provisions of this act.

Existing rights and remedies preserved.

Sec. 1614. No right or remedy of any character shall be lost or impaired or affected by reason of this act. This act shall not affect or impair any act done or right accruing, accrued or acquired, or penalty, forfeiture or punishment incurred prior to the time when this act takes effect or by virtue of any laws repealed or modified by this act, but the same may be asserted, enforced, prosecuted or inflicted as fully and to the same extent as if this act had not been repealed or modified; and all actions, suits, proceedings or prosecutions under the New York city consolidation act of eighteen hundred and eighty-two, or amendments thereof, or other laws relating to The City of New York and herein repealed or modified, or under any charter or law relating to any of the municipal and public corporations which are herein united and consolidated, and pending when this act takes effect, including the counties of Kings and Richmond, may be prosecuted and defended to final effect in the same manner as they might under the laws then existing, unless herein otherwise specially provided; and such actions, suits, proceedings or prosecutions may be continued without change of name or title, or on motion The City of New York may be substituted as plaintiff or defendant, as the case may be, in the place of the existing party to whose rights and obligations the said City of New York has by force of this act succeeded. The corporation counsel shall assume the charge, direction and control of all such actions, suits and proceedings in behalf of The City of New York. All future suits by or against The City of New York as herein constituted or against any of the municipal and public corporations in this act united and consolidated shall be in the corporation name of "The City of New York."

Powers of corporations consolidated devolved upon The City of New York.

Sec. 1615. Upon the taking effect of this act on the first day of January, eighteen hundred and ninety-eight, all the municipal and public corporations, except counties, which by this act are consolidated with the corporation heretofore known as the mayor, aldermen and commonalty of The City of New York, shall cease and determine, and their powers to the full extent of legislative power in this behalf are respectively devolved upon the corporation of The City of New York as herein constituted and the municipal assembly thereof, unless otherwise expressly provided in this act or by law. And all offices forming part of the local government of the said municipal and public corporations and parts thereof including cities, villages, towns and school districts, but not including counties, which, by the first section of this act, are united and consolidated into The City of New York as herein constituted are hereby abolished as to all the territory embraced within the limits of said city, except as herein otherwise expressly provided. The foregoing does not include the office of recorder of the former City of New York, which is hereby continued under the name and title of recorder of the county of New York.

Forfeiture or loss of property not worked.

Sec. 1616. Neither the above nor any other provision of this act shall work any forfeiture or loss of any property or rights therein or relating thereto held in trust by said municipal and public corporations or any of them, or to which they or any of them are or may be entitled; and The City of New York as herein constituted is hereby declared to be the successor in respect of such property and rights of the said municipal or public corporation to which the same was granted; and the said city of New York shall hold the same as well as all other property and rights to which such corporation may be entitled, as successor, on the same trusts and charged with the same duties as the municipal or public corporation to which it was granted.

Franchises and other grants not affected.

Sec. 1617. Neither this act nor anything contained therein shall affect any grants of franchises or properties or rights of any nature in, to or concerning property of any character or other grants made by the Nicolls charter, the Dongan charter, the Cornbury charter, the Montgomerie charter, by the confirmatory act passed the fourteenth day of October, seventeen hundred and thirty-two, or by any other charter or act granted to the corporation known as the mayor, aldermen and commonalty of The City of New York, by the state of New York, or granted by said state to the city of Brooklyn or to any of the other municipal and public corporations which are herein united and consolidated into The City of New York, and each and all of said grants are to all intents and purposes hereby ratified, granted, confirmed and extended to The City of New York as constituted by this act.

This act; how repealed or amended.

Sec. 1618. This act or any section or provision thereof shall not be deemed to be repealed or amended by any act of the legislature, unless it be so expressly stated, or the legislative intention to that effect is unmistakable.

Chapter 942 of the Laws of 1896 not repealed.

Sec. 1619. Nothing in this act contained shall be deemed to repeal the provisions of chapter nine hundred and forty-two of the laws of eighteen hundred and ninety-six.

This act a public act.

Sec. 1620. This act, providing for uniting into one municipality various communities, including the city and county of New York, the city of Brooklyn, the county of Kings, the county of Richmond, and part of the county of Queens with the municipal and public corporations therein, as in this act provided, is intended to be and shall be deemed and held in all courts and jurisdictions to be a public act, of which the courts shall take judicial notice. And this act shall be construed not as an act in derogation of the powers of the state but as one intended to aid the state in the execution of its duties by providing, subject to the constitution and laws of the state and the provisions and limitations herein contained, an adequate scheme of local government for the communities and people affected, through the instrumentality of the corporate body herein constituted under the name of "The City of New York."

(CHAPTER 466, LAWS OF 1901)

SECTION TWO.

Sec. 2. The several sections of the said chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, the numbers and titles of which are set forth in the first schedule annexed to this act entitled "The First Schedule, Sections of the Greater New York Charter Repealed," are and each of them is hereby repealed. The repeal of any of the sections mentioned in the said First Schedule shall not affect or impair any act done or right accruing, accrued or acquired, or penalty, forfeiture or punishment incurred prior to January first, nineteen hundred and two, under or by virtue of the sections so repealed, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if such sections had not been repealed; and all actions or proceedings, civil or criminal, commenced under or by virtue of the sections so repealed, and pending December thirty-first, nineteen hundred and one, may be prosecuted and defended to final effect in the same manner as they might under the sections of the said chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven then existing, unless it shall be otherwise specially provided by law. The provisions of this act, so far as they are substantially the same as those of laws existing on December thirty-first, nineteen hundred and one, shall be construed as a continuation of said laws, modified or amended according to the language employed in this act, and not as new enactments, and shall be applicable to all matters contained in the

several sections of the said chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, which are repealed, modified or amended by this act. References in laws not repealed to provisions of law incorporated into this act and repealed shall be construed as applying to the provisions so incorporated. Whenever by the provisions of this act a section which is repealed hereby and the number and title of which is contained in the First Schedule annexed to this act has been replaced by a section contaiuing the same number, the repeal of the former section shall iu nowise affect or impair the full force, effect and validity of the new section so substituted by the same number.

SECTION THREE.

Sec. 3. The several sections of the said chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, the numbers and titles of which are set forth in the Second Schedule annexed to this act entitled "Second Schedule. Sections to remain in force until changed by the Board of Aldermen." are and each of them is hereby continued in full force and effect until the board of aldermen as constituted by the foregoing provisions of this act shall pass ordinances regulating the matters provided for in the said several sections mentioned in the Second Schedule, all of which ordinances the said board of aldermen is hereby expressly empowered to pass. Upon the passing of any such ordinances regulating the sections respectively, such section shall cease to have any force or effect, and the matters provided for in any one of the said same is and shall be repealed.

SECTION FOUR.

Sec. 4. At the general election to be held in The City of New York in the year nineteen hundred and one there shall be elected, as provided in the Greater New York Charter as amended by this act, a mayor, a comptroller, a president of the board of aldermen, presidents of the several boroughs, and coroners and members of the board of aldermen, and city magistrates in the second division of said city, to the number herein provided, all of whom shall hold office for the terms and possess the powers and perform the duties specified in said Charter as amended by this act.

SECTION FIVE.

Sec. 5. This act shall take effect on the first day of January, in the year nineteen hundred and two. Provided, however, that section nineteen of the Greater New York Charter as amended by this act, entitled "Aldermanic Districts," shall take effect immediately; and provided that where by the terms of the Charter as hereby amended it is provided that any act shall be done or forbidden prior to January first, nineteen hundred and two, then as to such act this act shall take effect from and after its passage and shall be in force immediately, anything in this chapter to the contrary notwithstanding. And provided, further, that the board of estimate and apportionment as now constituted and the municipal assembly of The City of New York shall during the year nineteen hundred and one make appropriations for the year nineteen hundred and two, so far as practicable, as though this act had fully taken effect at the time of preparing the annual budget for the year nineteen hundred and two.

THE FIRST SCHEDULE

Sections of the Greater New York Charter Repealed.

Section.	Title.
11.	Expense of public schools for the year 1898.
19.	Council, how chosen; council districts.
20.	Term of office of members of the council.
21.	Mayor, an ex-officio member of the council.
24.	Board of aldermen, how constituted; term of office; vacancies, how filled; salary.
26.	Id.; how president elected and removed.
43.	Id.; to restrict height of buildings
51.	Id.; licenses to second-hand dealers; penalty for violating ordinance.
52.	Id.; designating common jails.
53.	Id.; assignment of places for holding the courts of general and special sessions and magistrates' or police courts.
54.	Id.; assignment of places for holding municipal courts.
102.	Department of buildings.
128.	Bureau of municipal statistics.
129.	Bureau; how constituted
130.	Chief of bureau to be appointed by the mayor.
131.	Municipal statistical commission; how constituted.
132.	Meetings of commission; quorum.
133.	Place of meeting.
134.	Compensation of chief of bureau and his assistants and of the commission.
135.	Power and duties of the commission.
136.	Power and duties of chief of bureau.
137.	Publication of statistics.
138.	Limitation of expense of maintaining the bureau of municipal statistics.
223.	Salaries of certain officers.
224.	List of persons and salaries not within a department.
229.	Street sweeping contracts to be approved by board.
247.	Comptroller's duties.
259.	Police force; chief of police; first appointment.
287.	Id.; other officers; first appointment.
293.	Id.; absence or disability of.
295.	Police board; president and treasurer.
296.	Id.; duties of treasurer; bond; deputy treasurer.
304.	Id.; regulations of civil service commissioners.
321.	Witnesses, detention, jurisdiction over.
322.	Id.; to provide lodgings for vagrants, etc.
325.	Applications for medical attendance; registered physicians.
326.	Compensation of registered physicians; certificate, etc.,
327.	Physician to report to department of health.
328.	Nearest physician to be called; penalty for refusal to attend.
329.	List of registered physicians to be posted.
330.	Hours of service of registered physicians.
358.	Elections; powers transferred to police board; board and offices abolished.
359.	General bureau of elections; control of; branches.
360.	Id.; management; superintendent.
361.	Id.; appointment of chiefs of branches and assistants; salaries of assistants, detailing members of police force.
362	Id.; officers; terms and salaries; removals
363.	Id.; employes continued in service.
364	Id.; appropriation for expenses of.
365	Id.; superintendent, the chief executive officer, annual report.
366.	Id. chiefs of branches; duties; location of offices
367.	Id. election expenses a charge against the city.
368.	Id.; existing records and property transferred to custody of
369.	Id.; superintendent to destroy registers of electors, etc.
370.	Id.; application of preceding section.
371.	Disposition of proceeds of sales.
410.	Board of public improvements; how constituted.
411.	Id.; president; salary; powers.
412.	Id.. secretary; office; meetings; quorum, etc.
413.	Authorizing public improvements.
415.	Board of public improvements; power with respect to certain subjects.
416.	Id.; to prepare ordinances, etc.
417.	Public improvements; further proceedure.
418.	Board of public improvements; power to prescribe rules, etc.
444.	Board may detail employes to assist president.
451.	Department branches; where located.
454.	Engineers' duties.
456.	Commissioners; powers to appoint and fix salaries.
457.	Id.; other duties.
458.	Id.; to organize bureaus.
523.	Commissioner of highways; appointment, term, salary.
524.	Id.; jurisdiction.
555.	Commissioner of sewers; appointment; salary.
556.	Id.; jurisdiction and duties.
565.	Devolution of powers of the commissioner of street improvements in the twenty-third and twenty-fourth wards.
572.	Commissioner; appointment, term, salary.
573	Id.; jurisdiction.
574	Consulting engineer; duties.
586.	Former boards to turn over maps, etc., to commissioner.
588.	Devolution of powers of former boards.
681.	Employment of inmates; articles manufactured; cultivation of lands.
698.	Classification of criminals and misdemeanants; instruction.

Section. Title.

707..Commitment of persons convicted of public intoxication, disorderly conduct or vagrancy.

707-a..Commitments to State Reformatory for Women at Bedford.

708..Superintendent of the Workhouse; Warden and Sheriff; reports.

710..Time of Discharge; how to be ascertained.

711..Discharge of persons committed.

777, 777a, 777b..Right to survey; certiorari to review reports of; expenses of surveys.

901..Special provision for taxes of 1897-1898.

930..Enforcing payment of personal taxes; fine may be imposed.

931..Id.; order to prosecute; when operates as assignment of bond.

970 to 1011..Method of acquiring title in fee, etc.

993..Subdivision of plots.

1061..School board, how constituted; vacancies; members to hold no other office except, etc.

1065..Board of education and school boards to administer funds; apportionment thereof, how made.

1066..Id.; may direct comptroller to withhold certain appropriations.

1077..Id.; advertising for contracts; security for performance.

1086..Continuation of yearly contracts with teachers in territory consolidated.

1088..Oath of appointees to school office.

1089..School board; organization; secretary and employes; duties and bond of secretary.

1090..Id.; powers and duties.

1092..Id.; duties of secretary; chief clerk and secretary may administer oaths.

1093..Id.; powers to establish kindergartens, etc.

1094..Id.; power to establish evening schools, etc.; may establish, discontinue and consolidate schools in boroughs.

1095..Id.; power to establish special classes for persons who cannot use the English language readily.

1096..Id.; power to establish high schools, etc.

1097..Id.; power to create school inspection districts discretionary; mayor appoints inspectors; terms, organizations, etc., of inspectors.

1098..Duties of inspectors of common schools.

1100..Id.; to provide for payment of salaries to principals and teachers and for disbursements.

1101..Id.; annual and other reports.

1102..Id.; power to appoint and remove borough superintendents and associate superintendents of schools; qualifications.

1104..School boards; changing grades of schools and classes; fixing standard of qualifications for principals and teachers.

1105..Id.; by-laws governing transfers of principals and teachers.

1106..Id.; transfer of unemployed principals or teachers.

1107..Id : board of superintendents of the boroughs; how duties regulated.

1108..General duties of borough superintendents and associate superintendents.

1109..Borough board of superintendents; lists of principals, etc., to be kept by; where principals report.

1110..Id.; promotion of pupils; transfer of teachers by city superintendent of schools; preferment where schools are consolidated or discontinued.

1111..Id.; recommendations of and requisitions for text books and scholastic supplies.

1112..Miscellaneous provisions as to powers and duties of borough superintendent, borough board of superintendents and principals.

1113..Id.; qualifications for special branches.

1116..Borough superintendents; enforcing compulsory education law, nominating, assigning, suspending and discharging clerks.

1119..School board of the borough of Brooklyn to control and administer the public school teachers' retirement fund created by chapter six hundred and fifty-six, laws of 1895; composition of fund; retirement and pension of teachers.

1140..Trustees, number and appointment.

1190..Register of records.

1191..Id.; and payment for night medical service.

1265..Complaint to magistrates.

1281..Parties to suit brought after twelve days; costs against department.

1381..Delivery of papers, etc.

1382..Disposition of causes pending in district courts, etc.

1384..Justices of district courts, etc., to act till February 1, 1898.

1392—City magistrates in first division continued.

1393..Office of police justice abolished.

1394..City magistrate in second division.

1395..Salary, etc.

1396..Powers.

1397..Board of magistrates.

1399..Transfer of charges.

1400..Clerks and employes.

1401..Justices of special session appointed.

1403..Qualifications.

1404..Clerks.

1413..Appeals from special sessions.

1414..Delivery of papers, etc.

1416..Pending actions.

1417..Designation of magistrates.

1418..Justices to act.

1435 to 1448..Relating to acquiring title to real property for public purposes.

1493..Killing or selling certain birds prohibited.

1510..Registered pharmacists only to conduct pharmacy, etc.

1511..Id.; qualifications of registered pharmacists.

1512..Graduates and licentiates defined.

1513..Board of pharmacy; election; duties.

1514..Books of registration of pharmacists, etc.

1515..Pharmacists responsible for quality of drugs, etc., sold, patent medicines, adulteration, etc.

1516..Poison, retailing of.

1517..Application of preceding sections to practitioners of medicine and wholesale dealers.

1518..Fraudulent registration, permitting unlicensed persons to compound medicine.

1519..Penalties to be paid to College of Pharmacy.

1520..Boards of pharmacy abolished.

1536..Retention of office by clerks in public employ in territory consolidated.

1537..Books, papers, etc., where filed.

1570, 1571..Coroner's office abolished.

1588..Proportion of the debt of the county of Queens assumed by The City of New York; power of board of supervisors of said county to bind that part thereof included in The City of New York restricted.

1589..Proportion of the debt of the town of Hempstead to be assumed by the city; power of town board to bind that part thereof included in The City of New York restricted.

1592..Board of supervisors of Queens county not to levy any tax upon that part of said county within the city.

1593..Comptroller of state to determine amount of county charges of Queens county to be borne by that part of county within the city.

1594..Comptroller of state to determine amount of state tax to be paid by the part of Queens county within the city; how levied and collected.

1596..Comptroller of state to apportion Queens county school moneys.

1597..School moneys for New York, Kings and Richmond counties to be transmitted to the city.

Sections of Charter to Remain in Force Until Changed by the Board of Aldermen

Section. Title.

346..Police board; licenses for public exhibitions.

347..Id.; licenses to emigrant boarding-houses; bond.

348..Id.; licenses to bookers of emigrant passengers.

349..Id.; licenses to runners; bonds.

1207..As to rags, hides and skins.

1208..Unsound cotton.

1209..Unsound articles, or deposited contrary to orders.

1211..Penalties for disobedience.

1212..Offensive trades.

1213..Filling in lands.

1214..Yards and cellars.

1223..Separate receptacles for ashes and garbage.

1227..Driving and slaughtering cattle, sheep, swine, pigs or calves regulated.

1454..Municipal assembly to regulate driving, etc.

1455..Law of the road.

1456..Rubbish, nails, etc., not to be thrown in streets.

1457—Processions and parades: regulations concerning.

1462..Wilfully breaking street lamps, etc.

1463..Id.; detaining offender until name ascertained.

1464..Id.; preceding sections no bar to suit by person injured.

1465..Id.; informer relieved of penalty, etc.

1466..Definition of "street."

1474..Id.; commutation of license fee.

1475..Id.; fees to be paid over to comptroller.

1477..Penalty for violating provisions of this title.

1478..Police, etc., to arrest offenders.

1481..Exhibitions on Sundays prohibited.

Section. Title.
1482..Minors under fourteen unaccompanied by adult not to be admitted to theatres at night.
1484..Violation of preceding section annuls license.
1485..Violation of any provision of the two preceding sections a misdemeanor.
1486..Police, etc., to enter places of amusement and arrest offenders.

POLICE DEPARTMENT.

Police board; licenses for public exhibitions.

Sec. 346. The police board is authorized to grant licenses for public exhibitions, in the manner and on the conditions provided in title 2 of Chapter XXII of this act.

Licenses to emigrant boarding-houses; bond.

Sec. 347. The police board is authorized to grant licenses to persons keeping houses for the purpose of boarding emigrant passengers. But before granting any such license, said board shall require from such person or persons a bond satisfactory to it, with one or more sureties in the penal sum of $500, conditioned for the good behavior of such person or persons, and the proper conduct of all agents or runners in his or their employ. The police board may revoke any license for cause. The person or persons receiving such license shall pay the sum of $10 a year for such license.

Licenses to bookers of emigrant passengers.

Sec. 348 repealed by Laws of 1912, Chapter 429.

Licenses to runners; bonds.

Sec. 349. The police board may issue licenses authorizing the person or persons to whom the same are issued, upon any street, public highway, dock or pier, or in any park or square, in The City of New York, or upon any water adjacent thereto, over which said city has jurisdiction, to solicit patronage for any hotel, or inn, or passengers or patronage for any steamer, steamboat, ship, vessel or railroad, or any person or corporation selling or offering for sale passage tickets, or contracting or offering to contract for passage in any such steamer, steamboat, ship, vessel or railroad. Such license shall be for the period of one year from the date thereof, and every person receiving such license shall pay the sum of $20 therefor to the police board, and shall also give to said board a bond, with two good and sufficient sureties in the penalty of $300, conditioned for his good behavior, and the faithful observance by him of the provisions of this section. It shall be lawful for said board, upon an application made prior to the expiration of said license to renew and continue the same year to year, provided that the applicant therefor continues in all respects qualified, as herein provided, to hold such license and the said applicant shall, upon receiving such renewal, pay into the city treasury the further sum of $12.50 per annum as a renewal fee. Licenses and renewals may be revoked at any time by the said board for any cause satisfactory to it such cause to be stated in writing to the person so removed at the time of the notice of his removal. No person shall receive any license under the provisions of this section, who is not a citizen of the United States and a person of good general character to be proved to the satisfaction of the police board. Said board shall render to the controller of said city quarterly accounts of all moneys received by it under the provisions of this section, and the amount so received shall be paid over by said board into the city treasury.

DEPARTMENT OF HEALTH.

ORGANIZATION, ADMINISTRATION, AUTHORITY DUTY AND POWERS OF DEPARTMENT.

As to rags, hides and skins.

Sec. 1207. No rags, hides or skins arriving in the port of New York shall be deposited in any part of the city within which the department of health shall have prohibited the packing or unpacking of salted provisions, and all such articles brought into the city contrary to the above provisions may be seized and sold by the board of health. The department of health may, however, permit sound hides and skins to be brought into any part of the city, in small quantities, and for the purpose of immediate manufacture, but not otherwise.

Unsound cotton.

Sec. 1208. It shall be the duty of the master and owner of every vessel that shall have brought cotton into the city between the first day of May and the first day of November in any year, and of the owner and consignee of such cotton, if upon examination it shall appear damaged, or otherwise unsound, to make an immediate report thereof to the board of health. Every master, or owner, or consignee refusing or neglecting to perform the duties so enjoined, shall, for each offense, forfeit to the board of health the sum of five hundred dollars, to be recovered in a civil action by said board.

Unsound articles, or deposited contrary to orders.

Sec. 1209. All salted, smoked, preserved or pickled provisions, and all hides, skins and cotton that may be kept or deposited in those parts of the city wherein the board of health shall prohibit the keeping, preparation, packing or repacking thereof, at the time or times when such prohibition shall be made, shall be reported forthwith by the owner or person having charge thereof to the health department, that the same may be examined, and, if necessary destroyed or removed. If such articles, when ordered by the board of health to be removed or destroyed, shall not be forthwith removed and the order obeyed by the owner or person having charge thereof, the sanitary superintendent shall cause them to be removed to some safe place, there to remain at the risk of the owner, or, if so ordered may destroy the same.

Penalties of disobedience.

Sec. 1211. Every person who shall refuse or neglect to obey the directions of the preceding sections or of the board of health pursuant thereto, in relation to provisions, putrid and other offensive articles therein mentioned, shall be considered guilty of a misdemeanor, and, on conviction, shall be subject to fine and imprisonment, or both, at the discretion of the court. Such fine shall not exceed one thousand dollars and such imprisonment shall not exceed two years.

Offensive trades.

Sec. 1212. It shall not be lawful for any person or persons, incorporated or unincorporated, to carry on, establish, prosecute, or continue, within The City of New York the occupation, or trade, or business of bone boiling, bone burning, bone grinding, horse skinning, cow skinning, or skinning of dead animals, or the boiling of offal and any such establishment or establishments, or places of such business existing within said city, shall be forthwith removed out of said city, and such trade, occupation or business shall be forthwith abated and discontinued, provided that nothing in the section contained shall apply to the slaughtering or dressing of animals for sale in said city. It shall be the duty of the board of health to ascertain whether any such trade or business is carried on, or continued, or established, within the limits aforesaid, and to make and cause an order to be served in the same manner as other orders of said department are made and served directing the discontinuance of said trade or business, and the removal of all offensive or unwholesome materials or things appertaining to said trade or business.

Filling in land.

Sec. 1213. It shall not be lawful for any person or persons, incorporated or unincorporated, to fill in any land under or above water, within the limits of The City of New York, or on any of the islands situated within said limits and under the jurisdiction of said city, or any portion thereof, with garbage, dead animals, decaying matter, or any offensive and unwholesome material, or with dirt, ashes or other refuse, when mixed with such garbage, dead animals or portions thereof, decaying matter or offensive and unwholesome material. Any person or persons violating the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both. The board of health is hereby empowered to institute prosecution and suits for penalties for the violation of the provisions of this section and this act.

Yards and Cellars.

Sec. 1214. The board of health shall have full power and authority to make such bylaws and ordinances as said board shall, from time to time, deem necessary and proper, for the filling, draining and regulating of any grounds, yards or cellars, within the city, that may be sunken, damp or unwholesome, or which it may deem proper to fill, drain, raise, lower or regulate, and, also, for causing all such lots of ground in the city adjoining the Hudson River or the East River, or Long Island Sound, as it may, from time to time, think proper, to be filled with wholesome earth or other solid materials, so far into the said rivers respectively as said board shall, from time to time, deem expedient for promoting the health of the said city, and for filling or altering or amending all sinks and privies within the said city, and for directing the mode of constructing them in future, and for causing subterraneous drains to be made from the same, when said board may think it necessary.

Separate receptacles for ashes and garbage.

Sec. 1223. The board of health shall cause to be enforced the provisions of the sanitary code requiring that separate receptacles be provided for ashes and rubbish, and for garbage and liquid substances, and forbidding that they be placed or kept in the same receptacle, and requiring the streets and sidewalks to be kept free from incumbrance by such receptacles, except at such times as may be designated by the commissioner of street cleaning for the collection of their contents; and for the violation of any of the said provisions of said code both the owners and occupants of all houses in the city shall be severally responsible and subject to the penalties and prosecutions imposed by said code, and all other provisions of said code and of the city ordinances relative to the cleanliness of the streets; and the board of health is empowered to institute prosecutions and suits for penalties for the violation of any such provisions.

Driving and slaughtering cattle, sheep, swine, pigs or calves regulated.

Sec. 1227. It shall not be lawful to drive any cattle, sheep, swine, pigs or calves through the streets or avenues of The City of New York, or any of them, except at such times and in such manner as provided in the sanitary code, or as the board of health may, by ordinance, prescribe, nor shall it be lawful to slaughter any cattle, sheep, swine, pigs or calves in The City of New York, excepting in buildings located upon or near the water front, and so con-

structed as to receive all stock delivered thereat from boats, cars or transports and to secure the proper care and disposition of all parts of the slaughtered animals upon the premises or the immediate removal thereof by means of boats and under the provisions of the sanitary code and the authority and regulations of the department of health. The board of health may revoke or suspend the permit of any one who shall conduct said business of slaughtering cattle, sheep, swine, pigs or calves in violation of law, and the rules and regulations of the department of health. No fat, hides, hoofs or entrails or other refuse parts of slaughtered animals shall be transported in said streets except under and pursuant to the terms of a permit in writing from the board of health; nor shall any building be erected or converted into or used as a slaughter house until the plans thereof have been duly submitted to the board of health and approved in writing by the said board.

GENERAL STATUTES.

THE STREETS.

Municipal assembly to regulate driving, etc.

Sec. 1454. The municipal assembly is hereby authorized and empowered to pass ordinances regulating the rate of speed at which horses shall be driven or ridden, and at which vehicles shall be propelled through any street within The City of New York, and to pass ordiuances regulating the use of the streets in said city by foot passengers, vehicles and animals. Any person violating any ordinance so passed shall be deemed guilty of a misdemeanor, and upon conviction thereof by any magistrate either upon confession of the party or competent testimony, may be fined for such offense any sum fixed by such ordinance as a penalty not exceeding $10, and in default of payment of such fine may be committed to prison by such magistrate until the same be paid; but such imprisonment shall not exceed ten days. Until the municipal assembly shall pass ordinances regulating the matters which by this title it is authorized to regulate, the laws and ordinances now applicable to such matters in the different parts of The City of New York, as constituted by this act, shall continue and remain in full force and effect.

Law of the road.

Sec. 1455. In all cases of persons meeting each other in any street in The City of New York, in carriages, wagons, carts, bicycles, tricycles or sleighs, each person so meeting shall go to that side of the street on his right, so as to enable the carriages, wagons, carts, bicycles, tricycles or sleighs so meeting to pass each other, under the penalty of five dollars for every offense, to be recovered by an action with costs of suit, in any court having cognizance thereof, by any person suing for the same. The proprietor of the carriage, wagon, cart, bicycle, tricycle or sleigh neglecting or refusing to turn to the right, as above directed, shall be considered if present at the time of such meeting, as the person committing the said offense, and if absent, then the driver of such carriage, wagon, cart, or sleigh, or the rider of such bicycle or tricycle shall be so considered.

Rubbish, nails, etc., not to be thrown in the streets.

Sec. 1456. No person or persons shall throw, cast or lay, or direct, suffer, or permit any servant, agent, or employe to throw, cast or lay any ashes, offal, vegetables, garbage, dross, cinders, shells, straw, shavings, paper, dirt, filth or rubbish of any kind whatever, in any street in The City of New York. The willful violation of any of the foregoing provisions of this section shall be and is hereby declared to be a misdemeanor, and shall be punished by a fine of not less than one dollar, nor more than ten dollars, or by imprisonment for a term of not less than one, nor more than five days. It shall be a misdemeanor, punishable by a fine of not more than five dollars for the first offense nor more than ten dollars for the second offense, and for the third offense not less than twenty-five nor more than fifty dollars, or by imprisonment for not less than three nor more than thirty days, or by both such fine and imprisonment, for any person being the owner or the agent, or the employe of the owner of any truck, cart, wagon or other vehicles, or of any box, barrel, bale of merchandise, or other movable property, to leave, or suffer or permit to be left, such truck, cart, wagon or other vehicle unharnessed upon any public street within The City of New York or except upon such portion of any marginal street or wharf or place as, by the provisions of this act, is committed to the custody and control of the board of docks, to leave, or suffer or permit to be kept, any such barrel, box, bale, or other property, or to erect or cause to be erected, any shed, building or other obstruction upon any such public street; but a truck, cart, wagon or vehicle for which a permit shall have been issued under the provisions of this act, may lawfully occupy, between the hours of six o'clock in the evening and seven o'clock in the morning, and on Sundays and legal holidays, but at no other time, and in such case only so long as said permit remains in force under the provisions of this act, the particular portion of any street, designated and described in said permit, and also except that in case of an accident to a truck, cart, wagon or other vehicle, the owner or driver of said truck, cart, wagon or other vehicle, if it be disabled by such accident, shall be allowed a reasonable time, not exceeding three hours, to remove it.

Every person who shall willfully throw, expose or place, or who shall willfully cause or procure to be thrown, exposed or placed in or upon any street in The City of New York, open for the passage of animals, any nails, pieces of metal, glass or other substance or thing which might maim, wound, lame, cut, or otherwise injure any animal, shall be guilty of a misdemeanor.

Every person who shall willfully throw, expose or place, or who shall cause or procure to be thrown, exposed or placed in or upon any street in The City of New York, open for the passage of animals, except upon the curves, crossings or switches of railroad tracks, any salt, or saltpeter, for the purpose of dissolving any snow or ice which may have fallen or been deposited thereon, shall be guilty of a misdemeanor.

Processions and parades; regulations concerning.

Sec. 1457. All processions or parades occupying or marching upon any street, to the exclusion or interruption of other citizens in their individual right and use thereof (excepting the national guard and the police and fire departments, and associations of veteran soldiers) are forbidden unless written notice of the object, time and route of such procession or parade be given by the chief officer thereof, not less than six hours previous to its forming or marching, to the police authorities of the city, and it may be lawful for said police authorities to designate to such procession or parade how much of the street in width it can occupy, with especial reference to crowded thoroughfares through which said procession may move, and, when so designated, the chief officer of said procession or parade shall be responsible that the designation is obeyed; and it shall be the duty of the police authorities to furnish such escort as may be necessary to protect persons and property and maintain the public peace and order.

All processions or parades on Sunday, in any street of the city, excepting only funeral processions engaged in the actual burial of the dead, and processions to and from any place of worship in connection with a religious service there celebrated, are forbidden; and in no such excepted case shall there be any music, fireworks, discharge of cannon or firearms, or other disturbing noise; provided that in any military or Grand Army of the Republic funeral music may be played while escorting the body to and from such places, but such music shall not be played within one block of any place of worship where worship is being celebrated.

Every person willfully violating any provision of this section or any ordinance passed by the municipal assembly pursuant to the last preceding section shall be guilty of a misdemeanor punishable with a fine not exceeding twenty dollars or imprisonment not exceeding ten days, or both, at the discretion of the court.

Willfully breaking street lamps, etc.

Sec. 1462. If any person shall willfully break, take down, or carry away any glass lamp hung or fixed in any of the streets of the city of New York; or extinguish the lights therein, or be aiding or abetting in the same, or shall willfully break or deface any glass, window, porch, knocker, or other fixture in the said city, and shall be convicted thereof before the recorder, or before any city magistrate, either by the confession of the party or by the oath of one or more credible witness or witnesses, he or she shall, for every such offense, pay a fine not exceeding twenty-five dollars. Upon refusal of payment of such fine, it shall and may be lawful for such recorder or justice, before whom such conviction shall take place, to commit such offender to the penitentiary, there to remain until such fine and costs are paid; but not longer than for the space of two months; and if any such offense shall be committed by any apprentice or servant, such forfeiture shall be paid by his or her master or mistress, or in default thereof, such apprentice or servant shall be committed to such penitentiary in manner aforesaid.

Detaining offender until name ascertained.

Sec. 1463. It shall and may be lawful to and for any sheriff, deputy sheriff, marshal, or member of the police force, who shall see any person commit any of the mischiefs or trespasses aforesaid, if such person or persons shall be unknown to such sheriff, deputy sheriff, marshal, or member of the police force, to seize, secure and detain such offender so unknown to him as aforesaid, until he can discover the name of such offender, or until the next morning (if the offense shall be committed in the night time and the offender shall refuse to discover his or her name), when such offender shall be brought before the recorder or one of the police justices or city magistrates, who, on conviction of such offender shall proceed against him or her in the manner hereinbefore directed; and further, in case any person shall commit any or either of the offenses aforesaid in the presence of such sheriff, deputy sheriff, marshal, or member of the police force, then every such sheriff, deputy sheriff, marshal, or member of the police force shall forthwith give information thereof to such recorder or either of the police justices or city magistrates, in order that such offender may be convicted thereof and punished.

Preceding sections no bar to suit by persons injured.

Sec. 1464. Neither the two preceding sections, nor anything therein contained, shall bar or preclude any person or persons from recovering his, her or their damages against any other person or persons who shall be guilty of any of the mischiefs or trespasses aforesaid, but the same may be recovered in the same manner as if they had never been passed.

Informer relieved of penalty, etc.

Sec. 1465. If two or more persons shall have been jointly concerned in commit-

ting any of the offenses aforesaid, and one or more of them (not being before informed against) shall within the space of one month after the offense committed, inform against any or all of the other or others concerned in the same offenses, so as to convict him, her or them, the person so informing shall not be liable to the payment of the fine hereinbefore mentioned.

Definition of "street."

Sec. 1466. Whenever the word "street" or the plural thereof occurs in this chapter, it shall be deemed to include, unless otherwise expressly stated, all that is included by the terms "street, avenue, road, alley, lane, highway, boulevard, concourse, public square and public place," or the plurals thereof, respectively.

AMUSEMENTS.

Commutation of license fee.

Sec. 1474. The Police Department is hereby authorized to grant licenses for exhibitions or performances, as provided for in Sections 1472 and 1473 of the Greater New York Charter, for any term less than one year, and in any case where such license is for a term of one month, or less, the said Police Department is hereby authorized to commute for a sum less than five hundred dollars ($500), but in no case less than two hundred and fifty dollars ($250) for a theater, or fifty dollars ($50) for a circus, concert room or other building or place whatsoever.

Adopted by the Board of Aldermen February 14, 1911.

Fees to be paid over to comptroller.

Sec. 1475. Upon granting every such license authorized by this title, the said police department shall receive from the person to whom the same shall be granted the amount payable for said license, as above provided, which amounts as respectively received by it shall be paid over to the comptroller of The City of New York, to be paid into the treasury of said city.

Penalty for violating provisions of this title.

Sec. 1477. Any person violating any of the provisions of sections 1472 and 1473 of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by imprisonment in the penitentiary for a term not less than three months nor more than one year, or by a fine not less than $100 nor more than $500, or by both such fine and imprisonment.

Police, etc., to arrest offenders.

Sec. 1478. It shall be the duty of every sheriff, deputy sheriff, constable and of every member of the police force to enter at any time said places of amusement and to arrest and convey any person or persons violating any provisions of sections 1472 and 1473 of this act, forthwith, before any city magistrate or recorder having jurisdiction in said city, there to be dealt with according to law.

Preceding sections not applicable to certain performances.

Sec. 1480. The provisions and requirements of sections fourteen hundred and seventy-two to fourteen hundred and seventy-nine of this act, inclusive, shall not be held to apply to any building, hall, room or rooms, in which only private theatricals, tableaus and other exhibitions for charitable and religious purposes are given, nor to the manager or managers of exhibitions given by amateurs for the benefit of any church, mission, parish or Sunday school, or for any other charitable or religious purpose, nor shall the same be held to apply to the masonic temple in New York, or to the trustees of the masonic hall and asylum fund, so long as the revenues of said temple shall continue to be applied to the use of the masonic hall and asylum, or other charitable purpose, nor to the educational alliance, or to the directors or officers of said society as such with respect to any building which shall in whole or in part be owned or leased, by said society, while so owned or leased so long as the revenue thereof shall continue to be applied to the support of said society and to the religious, charitable, social, educational or literary purposes of said society.

Exhibitions on Sundays prohibited.

On December 18, 1907, the Board of Aldermen passed the Doull Ordinance, which so amends Section 1481 of the Greater New York Charter as to permit certain Sunday concerts and entertainments. The ordinance follows:

Sec. 1481. Be it ordained by the Board of Aldermen of The City of New York as follows:

Sec. 1. It shall not be lawful to exhibit on the first day of the week, commonly called Sunday, to the public, in any building, garden, grounds, concert room or other room or place within The City of New York, the performance of any tragedy, comedy, opera, ballet, farce, negro minstrelsy, negro or other dancing, wrestling, boxing, with or without gloves, sparring contest, trial of strength, or any part or parts therein, or any circus, equestrian or dramatic performance or exercise, or any performance or exercise of jugglers, acrobats, club performances or rope dancers. Provided, however, that nothing herein contained shall be deemed to prohibit at any such place or places on the first day of the week, commonly called Sunday, sacred or educational, vocal or instrumental, concerts, lectures, addresses, recitations and singing; provided that such above mentioned entertainments shall be given in such a manner as not to disturb the public peace, or amount to a serious interruption of the reposo and religious liberty of the community. Any person wilfully offending against the provisions of this section, and every person knowingly aiding in such exhibitions, except as herein provided, by advertisements or otherwise, and every owner or lessee of any building, part of a building, grounds, garden or concert room or other room or place, who shall lease or let out the same for the purpose of any such exhibition or performance, except as herein provided, or assent that the same be used for any such purpose, shall be subject to a penalty of $500, which penalty the corporation counsel of said city is hereby authorized, in the name of The City of New York, to prosecute, sue for and recover, and on the recovery of a judgment for the penalty herein provided for against any manager, proprietor, owner or lessee, consenting to or causing or allowing, or letting any part of the building for the purpose of any exhibition or performance prohibited by this ordinance, the license which shall have been previously obtained by such manager, proprietor, owner or lessee, is of itself vacated and annulled.

Sec. 2. This ordinance shall take effect immediately.—Adopted by the Board of Aldermen, December 17, 1907. Approved by the mayor December 19, 1907.

Minors under fourteen unaccompanied by adult not to be admitted to theaters at night.

Sec. 1482. It shall not be lawful for any owner, lessee, manager, agent or officer of any theater in The City of New York to admit to any theatrical exhibition held in the evening any minor under the age of fourteen years, unless such minor is accompanied by, and is in the care of some adult person. Any person violating the provisions of this section shall be guilty of a misdemeanor, and shall be liable to a fine of not less than $25, nor more than $100, or imprisonment for a term not less than ten nor more than ninety days for each offense. All money recovered under the provisions of this section, for fines shall be paid over to the comptroller of said city to be paid into the treasury of said city.

Prohibition of sale of spirituous liquors and employment of female waiters.

Sec. 1483. It shall not be lawful to sell or furnish any wine, beer or strong or spirituous liquors, to any person in the auditorium or lobbies of any place of exhibition or performance mentioned in section one thousand four hundred and seventy-two of this act, or in any apartment connected therewith by any door, window, or other aperture, except that the police department may, in its discretion, and subject to such regulations and restrictions as it may determine, permit the same to be sold or furnished while concerts, consisting of vocal or instrumental music only, are being given in a place duly licensed by it as hereinbefore provided. Such permission shall only be operative so long as it shall be lawful under the laws of this state to sell or furnish wine, beer, or strong or spirituous liquors at such place, and may be revoked at any time by the police department. It shall not be lawful to employ or furnish or permit or assent to the employment or attendance of any female to wait on, or attend in any manner, or furnish refreshments to the audience or spectators or any of them, at any of the exhibitions or performances mentioned in said section, or at any other place of public amusement in The City of New York.

The provisions of this act shall not be construed to interfere with the right of any incorporated or other society, organized and maintained for the cultivation of vocal or instrumental music, to exercise and practice the same in good faith for themselves only, and not for the observation and entertainment of the public; nor shall the use or occupation by any such society for the purposes aforesaid of any hall or room connected with any place wherein by the laws of this state it is lawful to sell wine, beer, or strong or spirituous liquors be construed to make such place a place of public amusement within the provisions of this act.

Violation of preceding section annuls license.

Sec. 1484. No license shall be granted for any exhibition or performance given in violation of the preceding section, and any and every exhibition or performance at which any of the provisions of the said section shall be violated, shall of itself vacate and annul and render void and of no effect any license which shall have been previously obtained by any manager, proprietor, owner or lessee consenting to, causing or allowing or letting any part of a building for the purpose of such exhibition and performance.

Violation of any provision of the two preceding sections a misdemeanor.

Sec. 1485. Any person violating any of the provisions of the two preceding sections, or employing, or assenting to the employment or attendance of any person contrary to the provisions of said sections, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by imprisonment in the penitentiary for a term not less than three months, nor more than one year, or by a fine not less than $100 nor more than $500, or by both such fine and imprisonment.

Police, etc., to enter places of amusement and arrest offenders.

Sec. 1486. It shall be the duty of the sheriff, deputy sheriff, constable and of every member of the police force to enter at any time said places of amusement, and to arrest and convey any person or persons violating any provision of the three preceding sections, forthwith, before any city magistrate, or recorder having jurisdiction in said city, there to be dealt with according to law.

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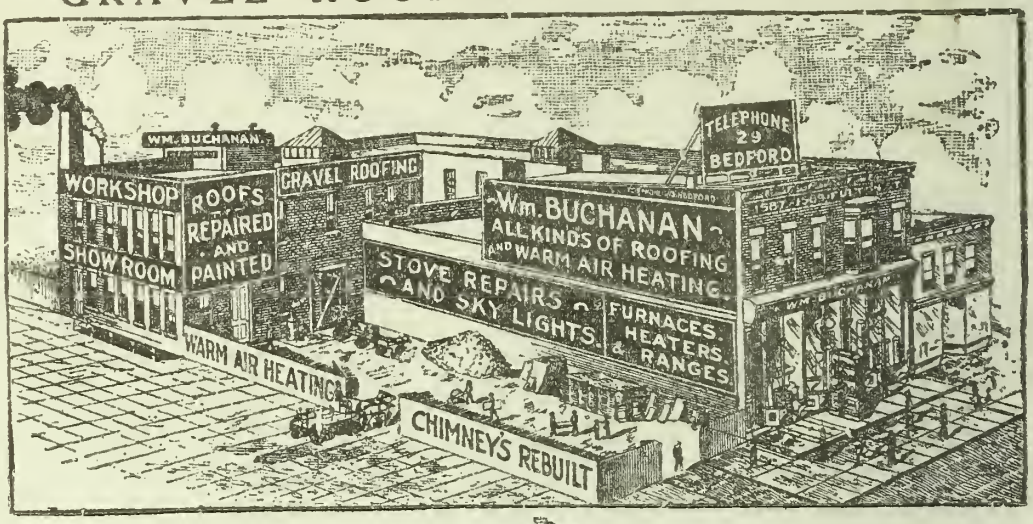

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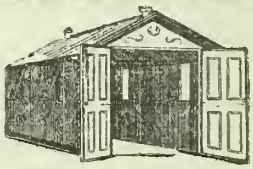

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